

ATTACHMENT #5

Findings and Conditions of Approval for PA#77-07 Grande School Site Subdivision Located at Southside of Grande Avenue near Intersection of Mercedes Avenue; Bordered by Grande Avenue on the north, Residential Developments on the East and West, and Covell Park on the South

General Plan Amendment #7-07 Findings

1. Find that the proposed General Plan amendment is appropriate in that it provides needed housing and contributes to infill housing development within the city limits.
2. Find that the proposed project's density is consistent with the General Plan Residential Low Density land use designation, which permits a range of 3.00 to 5.99 units per gross acre, or 3.60 to 7.19 units per net acre with density bonus.
3. Find that the proposed amendment provides consistency with General Plan policies for sensitive infill, a mix of housing types and creative development patterns.
4. Find that the proposed project, given its size and location, will provide and exceed the General Plan policy requirement for 10% open space/neighborhood greenbelt; but will not provide the 100 feet width average called for in the General Plan Interpretation; an in-lieu fee will be paid for the portion of the parkland not dedicated; city accepts the partial parkland dedication provided the south edge of the site consistent with prior Council action to work with the Davis Unified School District regarding the subject site's development.
5. Find that the proposed project will provide varying architectural "fit" with the scale of surrounding structures and their uses.
6. Find that the proposed project will not adversely impact the general welfare of residents within the area, and that the intended uses will serve public need and convenience.
7. Find that appropriate environmental assessment, Mitigated Negative Declaration #8-07, has been prepared for this project. It has been determined that the proposed project does not have potential significant adverse impacts on the environment given the applicable mitigation measures and conditions of approval. Any impact will be reduced to less than significant levels after implementation of the mitigation measures, and no environmental impact report required.
8. Find that consistent with General Plan Land Use Policy .1 that requires proposed projects to respect setback requirements, preserve greenbelts and greenstreets, and respect existing uses and privacy of adjacent parcels, the proposed project will respect the privacy of adjacent residents through the provision of sufficient greenbelt and setbacks consistent and exceeding that typical of Residential One-family District.

Conditions

No Conditions.

Rezoning and Preliminary Planned Development (P-D#7-07) Findings

1. Find that the proposed rezoning to a planned development, with adoption of the proposed General Plan amendment, will comply with the new land use designation of Residential Low Density for the parcel currently designated Public/Semi-public by the General Plan. This allows for a consistent land use designation and zoning for the parcel, which would facilitate the development of the proposed project.
2. Find that the proposed project, with the adoption of the proposed rezone, will be consistent with the Zoning Ordinance, as the purpose of the planned development district is to allow diversification in the relationship of various buildings and structures and provide relief from the rigid standards of conventional zoning in order to allow for new and compatible housing development with surrounding residential uses. The proposed project will provide for an integrated and harmonious residential environment and creative relationship with adjacent residential uses, which consists of larger lots. It will allow for and encourage architectural variation while maintaining the residential character within the area.
3. Find that public necessity, convenience and general welfare require adoption of the proposed amendment, given that the proposed project is an infill project that will address the housing needs of the city.
4. Find that Mitigated Negative Declaration #8-07 prepared for this project is adequate. It declares that impacts associated with the project have been adequately addressed through city standard conditions of approval and mitigation measures recommended for adoption. No environmental impact report (EIR) is needed.
5. Find that the proposed project will constitute a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood.

Rezoning and Preliminary P-D #7-07 Conditions of Approval

The following conditions of approval shall apply to this planned development.

1. Affordable Housing & Middle-income Lots. The following special conditions regarding affordable housing and middle-income units shall apply to this P-D District:
 - i. The sizes for the affordable and middle-income lots shall be allowed to be smaller than the market-rate lots.
 - ii. The affordable and middle-income lots may be developed as attached or detached units.
 - iii. Modifications to allow for innovations, or appealing, or improved architectural and subdivision design may be approved as a Minor Modification consistent with Section 40.27.080(b)(9) of the Zoning Ordinance. This allows for deviations to the final planned development map, which are consistent with the development standards of the underlying zoning district, R-1.

2. Affordable Housing Plan. Should there be a substantial change in the described affordable housing provision for the Grande School site, the applicant/developer shall submit affordable housing details (i.e., Affordable Housing Plan) using the current proposal as the base and consistent with the Development Agreement entered by the City and the District for this project, for the review and action of the Social Services Commission, prior to the Community Development Director signing of the approved Vesting Tentative Map for the subdivision. However, if no new details are necessary to implement the currently described affordable housing in compliance with the Development Agreement and Affordable Housing Ordinance, with the exception made regarding giving the District employees initial preference relative to sales of the units, the applicant/developer shall implement the affordable housing accordingly.

The following affordable housing conditions shall be met to ensure future compliance with city requirements as details of the project are further defined, if necessary:

- i. The proposed 41-unit project has been found to comply with local affordable low/moderate and middle income requirements through the provision of 8 low/moderate units and 6 middle income units. If the unit total in the project increases, the affordable low/moderate and middle income unit requirements would be required to increase correspondingly.
- ii. The City's standard Resale Restriction and Right of First Refusal Agreement that includes an appreciation cap, owner-occupancy requirements, seller's clearance of Resale Report findings, and a Right of First Refusal to the City (with a corresponding administrative fee) shall be recorded to all 14 low/moderate and middle income units upon initial sale, in accordance with city affordable housing requirements.
- iii. The low/moderate and middle income units may include a variety of unit sizes, with a minimum of half of the units for each category being 3-bedroom units. Unit sizes will be reviewed with submittal of the Affordable Housing Plan.
- iv. In accordance with the request by the applicant and current property owner, Davis Joint Unified School District, the approval is to give preference to District employees in the initial sale of the 14 low/moderate and middle income units in the project. In order to help satisfy this need the City and Developer agree that DJUSD employees will be granted a preference in purchasing the affordable and middle income units. Upon completion of the affordable and middle income units, the Developer shall conduct an initial lottery for the sale of the units in accordance with the City's Buyer/Tenant Selection and Screening Guidelines, as they may be amended from time to time, except that the lottery shall be held only for school district employees, and each eligible applicant shall have a single ticket in the lottery. In the event that the Developer offers the affordable and middle income homes to all eligible school district applicants, as applicable, and still has remaining unsold affordable or middle income units following that offering, the Developer shall conduct a second lottery in accordance with the City's Buyer/Selection Guidelines. Approval of this preference is conditioned upon: 1) the District's agreement to fully indemnify the City for any claims based on the implementation of the preference for District employees as set forth in the Development Agreement between the City and the District; and 2) to provide demographic information to the City that demonstrates there is no disparate

- impact on a protected class; subject to other details and requirements as further directed by the City Attorney's Office.
- v. All low/moderate and middle income units shall be advertised and sold in accordance with the City's Buyer Selection Guidelines, with the incorporation of a District staff preference in the initial sale. A marketing and buyer selection plan shall be submitted to the City's housing staff in the Community Services Department for review and approval prior to the marketing and sale of units.
 - vi. All low/moderate and middle income units shall be priced by the City in accordance with city code and pricing calculations, accounting for any special assessments or homeowners association fees in the project and including the appropriate price points needed to meet required affordability averages at the time of completion of the affordable housing units.
 - vii. Placement of unit types in the project shall be in compliance with the distribution shown in the Planned Development Exhibit as proposed.
 - viii. All low/moderate and middle income units shall be developed concurrently with the project's market rate units. Certificates of occupancy will not be provided on the last ten market rate units in the project until all low/moderate and middle income units have been issued a certificate of occupancy.
 - ix. Resale of the low/moderate and middle income units shall be administered under the City's Right of First Refusal Program.
 - x. All market-rate and middle income units in the project shall be designed and developed to be visitable and all low/moderate income units shall be built as first-floor accessible units.
 - xi. The affordable housing units shall be constructed and occupied consistent with the P-D approval condition requirement.
 - xii. Indemnification. The applicant/developer shall defend, indemnify, and hold harmless the City of Davis, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Davis concerning this approval, including but not limited to any approval of condition of approval of the City Council, Planning Commission or Planning Director. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees and agents in the defense of the matter.
3. Green Building. The approved project, at building permit stage, shall comply with Green Building Ordinance, as it is written now and as amended in the future.
 4. Greenhouse Gas Emissions. The developer of the Grande School site shall comply with any greenhouse gas emissions standards established by the city at the time of application for building permits for any lot in the subdivision.
 5. Mitigation Measures. The applicant/developer shall comply with all mitigation measures identified in the Mitigated Negative Declaration #08-07. Failure to comply with the mitigation measures shall be deemed a zoning violation.

6. **Indemnification.** The applicant/developer shall defend, indemnify, and hold harmless the City of Davis, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Davis concerning this approval, including but not limited to any approval of condition of approval of the City Council, Planning Commission or Planning Director. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees and agents in the defense of the matter.

Vesting Tentative Map (VTM) #2-07 Findings

1. Mitigated Negative Declaration #8-07 has been prepared for this project. It declares that impacts associated with the project have been adequately addressed through city standard mitigation measures and no environmental impact report (EIR) is needed
2. The proposed subdivision, as conditioned, will be consistent with the General Plan, if amended, and with the Subdivision and Zoning Ordinances requirement.
3. The design of the subdivision and the proposed improvements will not cause serious public health problems, in that all public improvements for the subdivision will be in place prior to issuance of any certificate of occupancy.
4. The project site is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (section 66474.4).

Tentative Map (VTM) #2-07 Conditions of Approval

1. **Vesting Tentative Map.** Prior to Community Development Director's signing of the approved Vesting Tentative Map, the Vesting Tentative Map shall be revised as follows:
 - i. The notes of Vesting Tentative Map shall include a statement that ALL improvements and improvement plans referenced on the submitted plan set for the project and made part of this approval are conceptual. The subsequent improvement plans to be submitted are subject to the review and approval of the City Engineer and Parks and General Services Director. For instance, plans for drainage, greenbelt, roadway, lot improvements, grading, and utilities are conceptual.
 - ii. Headings of each sheet of the tentative map shall be so labeled (ex. "Vesting Tentative Map, Sheet 1 of 4", etc.)
 - iii. Re-label "No Access Easement" to read "Relinquishment of Direct Vehicular Access."
 - iv. Re-label "Proposed 10' Pedestrian Path" to "Bicycle/Pedestrian Path".

- v. Note regarding existing easement on Sheet 3 of 4, shall change the word “abandoned” to “vacated or abandoned at time of Final Map recordation.
- vi. Section A note on Sheet 4 of 4 to be revised to “Actual location of saw cut line...”.
- vii. Section D note on Sheet 4 of 4 to be revised to “New DG path meanders and connects to proposed Bicycle/pedestrian path.
- viii. Easements shown as PUE to be changed to PUTPS&ME (Public Utility, Tree Planting, Sign & Maintenance Easement).
- ix. Curb and Gutter improvements from the southerly line of Lot 9, to the westerly line of Lot 41 shall be vertical curb and gutter, except at the accessible ramps at the bicycle/pedestrian/EVA paths.
- x. Accessible ramps shall be provided at intersections, subject to the review and approval of the City Engineer.
- xi. Details for design and construction of the bicycle/pedestrian/EVA connections From Street A to Encina and Fiesta, shall be subject to the review and approval of the City Engineer at the time of Final Map approval. Connections from Encina and Fiesta to Street A shall be twenty feet (20’) in width, unless otherwise approved by the City Engineer and/or Fire Chief.
- xii. Second sentence of Note 1, Sheet 1 of 4 shall be revised to read, “Final street names to be submitted by Subdivider, to the City, and are subject to the review and approval of the City Engineer.
- xiii. Notes 3 & 4 on Sheet 1 of 4 shall be deleted.
- xiv. Details of the special pavement treatment proposed within the subdivision as shown on the vesting tentative map shall be provided for the review and approval of the City Engineer.

Grading and Drainage

- i. Add note to sheet referencing Sheet 4 for typical lot grading. Please show definition of “LD” shown on typical details. Please note that no roof leaders are to be directly connected to pipes.
- ii. Calculations to demonstrate the adequacy of the design of the “grassy swales” for both hydraulic and storm water quality purposes shall be submitted with the improvement plans for the Greenbelt improvements [see also comments from Parks & General Services]. The “attachment 4” design storm shall be used for storm water quality purposes. The 10 year event shall be analyzed as to determine the adequacy of conveyance. The standard requirements for analysis of the 10 year and 100-year occurrences are in addition to this.

- iii. Greenbelts (see comments under that heading)
- iv. Where grade differentials between adjacent properties exceed six inches (6”), retaining walls shall be used. Where the height of the necessary retaining wall equals or exceeds one foot (1.0’), the wall shall be of masonry construction.

Utility Plan

- i. Street lighting shall be subject to the review and approval of the City Engineer, and shall conform to City Standards.
- ii. Final design of the city utilities shall be subject to the review and approval of the City Engineer, after all design information as submitted as required by the Municipal Code.
- iii. All city water mains shall be AWWA C900.
- iv. Due to the high number of service connections to Grande utilities, split-lot services shall be considered for these lots requiring services to Grande.
- v. Lots 11 & 12, 25 & 26, and 28-29 shall be served split-lot duplex services for sanitary sewer and water, unless otherwise approved by the City Engineer.
- vi. If the Grande Street pavement has been overlaid prior to the construction of the utility connections in Grande, City Engineer may require additional pavement restoration for utility service trenches.
- vii. Water services (w/meters) and sanitary sewer services (& cleanouts) shall be placed in driveways unless otherwise approved by the City Engineer, in consultation with PG&S.
- viii. Revise note “service Providers, sheet 1 of 4 to reflect AT&T as the telephone provider.

Sections and Details

- i. Locations of fire hydrant shall be subject to the review and approval of the Fire Chief.
- ii. TI for structural section for streets B & C shall be 4.5. TI for structural section for street A should be 5.0. Structural section for Grande shall be equal to the existing section when the street is widened in conjunction with the addition of curb, gutter and sidewalk improvements.
- iii. Detail A-1 (due to variability of condition of existing street): Note should read “Location of saw cut line subject to the review/approval of City Engineer – 2.0 foot minimum. Also lifework should make it clear that the roll curb, gutter and sidewalk are to be monolithic construction.
- iv. Detail E-1: linework shall show monolithic curb, gutter, and sidewalk.
- v. Details D-1, F-1: shall be noted for conceptual purposes, widths only. Greenbelt plans shall govern, not what is shown on this sheet of the VTM.

Greenbelts:

- i. Developer shall be responsible for the design and construction of the greenbelt improvements on Lots A, B and C and replacement of the existing north-south bike path and associated landscape modification just east of the project. The existing north south bike path shall be replaced with a Portland Cement Concrete path to the satisfaction of the Parks and General Services Superintendent/Director and City Engineer.

- ii. The greenbelt improvements shall be completed to the satisfaction of the Parks & General Services Superintendent/Director and/or City Engineer prior to issuance of the first Certificate of Occupancy for any lot within the subdivision.
 - iii. The greenbelt design shall incorporate native and drought tolerant plants and xeriscape design concepts with interpretative signage and should provide an appropriate design transition from the park landscaping to the greenbelt to the satisfaction of the Parks & General Services Superintendent/Director.
 - iv. Developer shall prepare deed restriction for all lots abutting the greenbelt, which prohibits construction of gates in the greenbelt fence or other access modifications to the greenbelt by the affected lot owners.
 - v. Prior to determination that an application is complete for the Final Map, or the commencement of any grading activity, whichever occurs first, Developer shall submit for review and approval the proposed tree protection plan to the Urban Forest Manager/Arborist.
 - vi. Prior determination that an application is complete for the Final Map a tree modification permit shall be obtained before any on-site demolition or earth moving occurs, and this can be obtained online at: <http://www.cityofdavis.org/pcs/trees/pdfs/tree-modification-rev04-08.pdf>
 - vii. The final greenbelt and landscaping plans shall be submitted concurrently with the Final Map application and subdivision improvement plan submittal and shall be subject to the review and approval of the City Engineer and Parks and General Services Superintendent, prior to recordation of the Final Map.
 - viii. The design of the bicycle/pedestrian path alignment, radii at intersections, etc. are subject to the review and approval of the City Engineer and Parks and General Services Director prior to the approval of plans and specifications for the greenbelt improvements. At a minimum, alignments, etc. shall be in compliance with Section 1000, CalTrans Highway Design Manual.
 - ix. Alignments and the planting of additional trees, if any, shall be done in such a manner as to minimize damage to the path, due to tree roots.
 - x. The project proponent/developer shall provide an appraisal for the trees to be removed by a qualified arborist prepared in accordance with the Tree Planting and Preservation Ordinance for review and approval of the Urban Forest manager/Arborist prior to recordation of the Final Map with payment included in the subdivision improvement agreement and made at time of recording.
2. Approved Vesting Tentative Map. The applicant/developer shall submit a copy of the approved VTM incorporating all the changes required, including the conditions of approval,

and a signature block for the Community Development Director, prior to applying for a Final Map with Public Works Department.

3. Utility Services. All utility services (water, sanitary sewer, storm sewer) shall be subject to the review and approval of the City Engineer.
4. Private Services. Provisions for the use, maintenance, repair, replacement, etc. of all common private services shall be subject to the review and approval of the City Engineer, and/or the City Attorney, prior to City Council approval of the Final Map.
5. No Parking. Subdivider shall pay for the installation of No Parking signs for the entire south bound proposed street (west side). The signs shall be installed concurrently with the public street improvements. In addition, Subdivider shall disclose the parking prohibition to all potential buyers, in writing. The form of the notice shall be subject to the review and approval of the City Engineer and/or City Attorney prior to the recordation of the Final Map.
6. Broken and/or uplifted bikepath and/or sidewalk. Subdivider shall remove and replace any broken and/or uplifted bikepath and/or sidewalk adjacent to this subdivision, subject to the review and approval of the City Engineer. This shall be completed prior to the issuance of the first Certificate of Occupancy for any building in the subdivision.
7. Parkland Dedication & Fees. Developer shall comply with Section 36.08.040 of Davis Municipal Code as it relates to Parkland Dedication, except for the 0.37 parkland dedication that the City has already acknowledged is acceptable. Given current estimate, the proposed project's parkland dedication acreage is 0.54. When the provided 0.37-acre credit is given, the remaining acreage to be addressed in terms of parkland dedication fee is 0.17. The park in-lieu fees will be used to acquire park land as needed in other parts of the community with specific locations being developed as part of the Parks and Facilities Master Plan update.
8. Park/Greenbelts Parcel Improvements. The subsequent improvement plans for the proposed greenbelt system shall be subject to the review and approval of the City Engineer and Parks General Services Director, prior to issuance of certificate of occupancy for any unit in the subdivision. The greenbelt parcels shall be improved prior to issuance of any occupancy permit. Water conserving landscape material shall be included in the final design, where feasible.
9. Fire Hydrant. The locations and total number of fire hydrants shall be subject to the review and approval of Fire Chief.
10. Trees. Consistent with City Code, all city street trees shall be inspected after installation and payment of the appropriate inspection fee to the satisfaction of the Urban Forest Manager/Arborist.
 - i. Tree Protection Plan. Prior to recordation of the Final Map or the commencement of any grading activity, whichever occurs first, Developer shall submit for review and approval the proposed tree protection plan to the Urban Forest Manager/Arborist.

- ii. **Street Trees Fee.** Consistent with Section 37.02.010 of Article 37.02 of the Davis Municipal Code, the subdivider shall provide and plant street trees within the city street tree easement for each lot fronting a public street, and shall deposit a street tree fee as established by the City Council resolution at the time of recordation of the final map or as required by law. The subdivider shall comply with all applicable tree planting, preservation and protection ordinance. Also, when applicable, the Developer/subdivider shall pay a street tree fee in accordance with section 37.01.050 of the City Code.
- iii. **Greenbelt trees.** Applicant/developer shall provide a detailed list of all trees in and around the construction area vicinity including species and size prior to recordation of the Final Map. The plan shall show all trees planned for removal and trees affected by grading activities subject to the review and approval of the Urban Forest Manager/Arborist. The submitted plans show that there are many trees shown as being saved on the plans, which are questionable relative to their prolonged survive grading activities. The plans need to be modified to address which trees are affected by grading activities prior to project approval and include those trees in the appraisal process and tree modification permit.

Final Planned Development (FPD) #11-07 Findings

The following are FPD findings:

1. The property owner can commence substantial construction within eighteen months of this final planned development effective approval and intends to complete the construction within a reasonable time frame.
2. The proposed development will conform to the General Plan, with the adoption of the amendment, which will designate the site Residential-Low-density. All applicable General Plan policies and density will be met as conditioned.
3. The proposed development will be consistent with the requirements of Preliminary Planned Development, which will permit the proposed residential uses within the district. The development is appropriate in area, location and overall planning for the purpose intended. The design and development standards proposed are designed to have an environment of sustained desirability and stability. The project as designed and conditioned will meet all pertinent performance standards in Zoning Ordinance P-D section.
4. 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. The site has direct access to a collector street, Grande Avenue. Connector pedestrian and bicycle accesses are included to access the existing pedestrian/bicycle systems.
5. Residential development can be justified economically at the location proposed. The fiscal impacts of the proposed project were analyzed and it is anticipated that the new homes will pay their fair share of property tax although minor negative impact could result. The project has been designed with adequate facilities to serve the new residents.

FPD #11-07 Conditions of Approval

General Conditions

1. **Approval.** The approval will allow for the development of a single-family residential subdivision, which would provide for neighborhood greenbelt, added park acreage, roadway and bicycle/pedestrian connections to existing systems.
2. **Approval Contingence.** This approval is contingent upon the General Plan and Zoning amendment approval and adoption by the City Council.
3. **Approval Period.** This approval is valid for 18 months from the effective date of approval, which will be after the 30-day effective date of Zoning Ordinance amendment approval.
4. **Extension of Approval.** Consistent with Section 40.22.100 of the Community Development may extend the expiration date one or more periods not exceeding a total of eighteen months upon a showing that circumstances and conditions upon which the final P-D was approved have not changed.
5. **Preconstruction meeting.** Prior to the start of any work on the site, the applicant/developer shall hold/schedule a preconstruction meeting to include project superintendent, architect, subcontractors, as well as City representatives including Planning, Building, Parks and General Services, Fire and Public Works staff. The staff time will be billed to the developer(s) as the applicant may not own the property at this time. However, if ownership remains the same, the project applications account will be billed staff time.
6. **Construction Times and Noise Impacts.** The developer/applicant shall be responsible for informing all subcontractors and construction crews about city standards regarding construction start and finish times including appropriate ambient noise impacts consistent with city code.
7. **Substantial conformance.** The project shall be implemented in substantial conformance to the plans and elevations presented to the Planning Commission on November 12, 2008, and subsequently to City Council, except as modified herein. Prior to issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the Planning and Building Director, or applicable department.
8. **Other applicable requirements.** The project approval is subject to all applicable requirements of the Federal, State and City of Davis, and any other affected governmental agencies. Approval of this request shall not waive compliance with all sections of the Municipal Code, all other applicable City Ordinances, and applicable Community or Specific Plans or Design Guidelines in effect at the time of building permit issuance. The duty of inquiry as to such requirements shall be upon the applicant/developer.

9. Subcontractors, etc. The applicant/developer 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 in the City of Davis Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City in addition to applicable state and federal laws.
10. Construction management plan. Prior to issuance of any permit or inception of any construction activity on the site including site improvements, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Public Works Departments. The plan shall include, but is not limited to, public notice requirements for periods of significant impacts (noise/vibration/street or parking lot closures, etc.), special street posting, construction vehicle parking plan, phone listing for community concerns, names of persons who can be contacted to correct problems, hours of construction activity, noise limits, dust control measures, and security fencing and temporary walkways.
11. Conflicts. When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.

Grading, Site Development, Site Plan, and Parking

12. Grading Permit. The applicant/developer shall obtain a grading permit from the Community Department before any grading or diking is commenced on the site.
13. Grading plan. The applicant/developer shall submit a final grading plan concurrent with the initial building plan check submittal to the Community Development Department. All ADA access features and bicycle access routes are to be clearly delineated at that time.
14. Drainage plan. An on-site drainage plan shall be submitted for review and is subject to the approval of the City of Davis Public Works Department prior to the issuance of permits.
15. Erosion control plan. An Erosion Control plan shall be prepared by a registered Civil Engineer, for review and approval by the City Engineer prior to the issuance of permits. This plan shall incorporate the following requirements:
 - i. This plan will include erosion control measures to be applied during the rainy season, i.e., October through April. These measures may include limitations on earth moving activities in sensitive areas during rainy season.
 - ii. The developer shall implement wind erosion and dust control measures to be applied on a year-round basis. This shall include an effective watering program to be implemented during earth moving activities.
 - iii. The plan will include methods for revegetating denuded earth slopes. Revegetation will be accomplished by a method, which reseeds and temporarily protects the ground so that 90% germination is achieved. Future building pads are not subject to this requirement, although measures will be required to contain sediments.

- iv. All sediments generated by construction activities shall be contained by the use of sediment traps, such as silt fences, settling basins, perimeter ditches, etc.
- v. When building construction will be delayed beyond the next rainy season, the developer shall provide permanent erosion control measures on each individual lot.

16. Biological survey. Prior to issuance of a grading/building permit or other improvement activities on the site, the developer/property owner shall obtain approval from the City regarding biological survey commissioned by the property owner. The study shall be consistent with City Ordinance and shall address whether there are endangered and/or protected species on the site, including burrowing owl.

General Development Conditions

17. Reproducible Final P-D Map. The developer shall submit a reproducible copy of the final planned development map incorporating all the changes required, including the conditions of approval of the final planned development, and a signature block for the Community Development Director.

18. City Fees. All applicable city fees shall be paid when due.

19. Reciprocal Access Agreement. For lots with common/shared driveways, the developer shall prepare a reciprocal access, maintenance and/or utility easement agreements. The easement agreements shall be subject to the review and approval of the City Engineer and shall record prior to issuance of building permit on any of the lots.

20. Drought Tolerant Landscaping. The applicant/developer shall include drought tolerant landscaping features in the landscaping of the project. The xeriscape features shall be beyond the requirements of the landscaping ordinance. The xeriscape concept to be used on each lot shall be submitted for review and approval of the Community Development Director, prior to the first building permit application submittal. Plant species to be used in the xeriscape shall include predominantly drought tolerant species.

21. Garages. Garages of the new homes within this subdivision shall be subordinate in visual importance to the house itself, especially the entry. The exception is Lot 9, which may require consideration of its parking restriction.

22. New Buildings. New buildings should be integrated with open space to enhance living and working areas.

23. Electric Vehicle Charging Outlet. At a minimum, one electric vehicle charging outlet shall be installed in each residential lot within the subdivision.

22. Street trees. Street trees shall be provided by the developer in accordance with City Street Planting Requirements as part of the City Code Section 37.02.

23. Trees. The developer/property owner shall comply with the following conditions of approval:

- i. Prior to pruning any of the existing trees marked on the submitted plan to be preserved, the developer and/or lot owner shall first hire and obtain written documentation from an ISA certified Arborist, and then apply with Parks and General Services Department to have the proposed pruning reviewed and approved by the City Arborist. Failure to comply with this requirement resulting in the loss of the tree(s) shall cause assessment of penalty 1.5 times the ISA certified Arborist's appraised value of the trees and planting of a replacement tree. The penalty amount shall be deposited into the city tree fund. This refers to the initial pruning to allow homes to be built on the lots and future pruning by the lot owner.
 - ii. A deed restriction shall be recorded against each lot with boundary trees to be preserved. The content of the deed instrument shall be submitted to Parks and General Services Department and the City Attorney for review and approval prior to filing of the final map for the subdivision. A copy of the approved language shall be given to Community Development Department for record keeping. The deed document shall state that no trees shall be pruned or removed without prior approval by the Tree Commission, subsequent to submittal of documentation in support of the proposal written by a certified ISA Arborist.
 - iii. All trees to be removed in order to allow the development of the subdivision shall be appraised according to the International Society of Arboricultural (ISA) Valuation formula, except for those recommended for removal by the City Arborist, if applicable. The developer shall submit the ISA certified Arborist appraisal prior to any subdivision improvement activities. The appraisal amount(s) shall be given to the city for the loss of the urban forest and to provide funding for tree planting and care elsewhere in the community prior to issuance of the first building permit in the subdivision.
24. Greenbelt. The proposed greenbelt fence design shall be modified to include a trim cap detail and modified partial privacy version that homeowners can choose from for review and approval of the Parks & General Services Superintendent. The applicant shall obtain approval from the Parks & General Services Superintendent of a greenbelt fence design prior to recordation of the Final Map. The detail shall include construction details, trim cap and partial privacy versus full privacy options. The fence shall be installed consistent with the approved detail prior to occupancy and to the satisfaction of the Parks & General Services Superintendent. The fence shall be constructed on private property. Subdivider/developer shall disclose to any prospective buyers of lots abutting the fence that the fence is a private improvement and that no openings shall be allowed.

23. Development Standards. The project's development standards are as follows:

A. Market-rate & Middle-income Lots:

The following development standards shall apply to the lots identified in the table below.

- a. Lot Area: The lot area established for each lot at the time of final map recordation shall become the legal lot area.
- b. Lot Width: The lot width established for each lot at the time of final map recordation shall become the legal lot width.
- c. Building Height: The maximum building height for each lot within this subdivision, including the affordable housing lots, shall be as established in Section 40.03.050 of the Zoning Ordinance and as amended in the future.
- d. Usable Open Space: The minimum usable open space standard for each lot within this subdivision with the exception of the affordable housing lot listed below shall be as established in Section 40-03.060(c)(2) of the Zoning Ordinance, and as amended in the future.
- e. Lot Coverage: The lot coverage for each lot within this subdivision, with the exception of the affordable housing lots, shall be as established in the R-1-6 District of the Zoning Ordinance and as amended in the future.
- f. Floor Area Ratio: The floor area ratio for each lot within this subdivision, with the exception of the affordable housing lots, shall be as established in R-1-6 District of the Zoning Ordinance and as amended in the future.
- g. Parking: The parking requirements for each lot within this subdivision, including the affordable housing lots, shall be as established in the R-1-6 District of the Zoning Ordinance and as amended in the future. Lot 9 shall be an exception. Lot 9 shall provide four on-site parking spaces as there is no on-street parking adjacent to this lot. The parking spaces may be in the form of two or three car garages plus two or three-car driveway parking spaces.
- h. Yard Setbacks. The yard setbacks shall be as follows:

| All Lots (Market-rate & Middle-income Lots Excluding Lots 7, 8, 11, 12, 25, 26, 28 & 29 (Affordable Housing Lots)) | |
|---|-----|
| 1st Story Setbacks | |
| <i>Front:</i> | 20' |
| <i>Sides:</i> | 5' |
| <i>Street Side</i> | 15' |
| <i>Rear:</i> | 20' |
| 2nd Story | |
| <i>Front:</i> | 20' |
| <i>Interior sides:</i> | 15' |
| <i>Street sides:</i> | 10' |
| <i>Rear:</i> | 25' |

The development standards in the table below, in addition to those applicable above, shall apply to the affordable housing lots.

| Affordable Housing Lots 7, 8, 11, 12, 25, 26, 28 & 29 | |
|---|---|
| 1st Story Setbacks <i>Front:</i> <i>Sides Interior:</i> <i>Street side</i> <i>Rear:</i> | 20' 0' for attached & 5' for detached 5' 15' / 20' depending on lot layout; see FPD map |
| 2nd Story Setbacks Front Interior sides Street sides Rear | 20' 10'; except attached that will be 0' 5' same as first-story 15' & 20' depending on lot |
| Usable Open Space per Lot | 7% minimum, or 300 square feet |
| Floor Area Ratio | Up to 50% (plus up to 500 sq. ft. for garage) |
| Lot Coverage | 50% maximum |
| <u>Notes:</u> 1. Should the affordable units be attached, then the required side setback shall be zero, however, if detached, the side yard setback for the first-story shall be 5 feet. Likewise, attached second-story units shall have zero side yard setbacks and 10 feet side yard setbacks if detached. 2. Modification shall be performed consistent with R-1-6 District standards, such as Design Review for increased FAR and Minor Modification for less than ten percent deviations. | |