



City of Davis  
Community Development Department

Meeting Date: November 12, 2008

Item Number: \_\_\_\_\_

**Staff Report**

November 7, 2008

**TO:** Planning Commission

**FROM:** Katherine Hess, Community Development Director  
Michael Webb, Principal Planner  
Ike Njoku, Planner/Historical Resources Manager

**SUBJECT:** Planning Application #77-07; General Plan Amendment, Rezoning and Preliminary Planned Development, Development Agreement, Affordable Housing Plan, Vesting Tentative Map, Final Planned Development, and Mitigated Negative Declaration for Residential lots at The Grande School Site

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**Recommendation**

Staff recommends that the Planning Commission hold a public hearing and recommend that the City Council take the following actions:

1. Determine that Mitigated Negative Declaration #8-07 prepared for this project adequately addresses the environmental impacts associated with the proposed project;
2. Adopt the attached resolution amending the General Plan land use designation of the parcel, APN #35-097-12, from Public/Semi-public to Residential Low Density, based on the findings in the resolution;
3. Introduce the attached Ordinance adopting the Development Agreement that establishes the agreement between the City of Davis and the Davis Joint Unified School District;
4. Introduce the attached Planned Development (P-D) Ordinance that rezones the parcel from Residential One-family to Planned Development #7-07, permitting the proposed residential subdivision and uses, based on the findings and conditions in the P-D; and
5. Approve the following implementing entitlement applications, based on the findings and conditions attached to this report:
  - A. Vesting Tentative Map #2-07, subdividing the approximately 8.83-gross-acre parcel for single-family residential lots, greenbelt lots, roadway, and park lot; and
  - B. Final Planned Development #11-07, establishing final zoning standards for the residential lots in the new P-D district.

**Consideration of Increased Density**

The Planning Commission may choose to recommend an increased density, which might mean a change from the requested Residential Low-density to Residential Medium-density land use designation. The Commission may wish to consider, for instance, the example of 51 units concept staff has presented in this report. Should the Commission wish to increase the density, the General Plan amendment and implementing entitlement applications would be subject to minor modifications, including the recommended conditions of approval. A motion to increase the density would direct the applicant to work with staff to revise the proposed land use map, vesting tentative map, final planned development and conditions of approval to reflect the increase in density for City Council review and action.



General Plan Housing Steering Committee’s Final Report Grande Site Vicinity Map



there is about \$20 million in deferred facilities needs. The applicant indicates that no prospective developer has been identified at this time. The District diligently worked with the neighbors in good faith to draft the submitted project plans.

**Land use change/Density.** The proposal is to allow land use change to develop a 41-unit residential subdivision on the 8.83-gross-acre lot. The unadjusted density of the proposal is 4.66 units per acre. This is within the range of the requested General Plan land use designation of Residential Low-density. The maximum allowable density on an 8.83-acre site would be 53 units. However, the General Plan Policy Interpretation excludes the required acreage for neighborhood greenbelts and park dedication from the density calculation. Thus, the site's "adjusted" acreage for density calculation is 7.61, which provides for a maximum density of 46 units under the requested Residential Low-density designation.

**Zoning Standards.** The proposed rezoning will be consistent with the proposed General Plan amendment. Permitted, accessory, and conditional uses are those allowed in the Residential One-family district similar to allowed uses in the surrounding areas. Some deviations from standard Residential One-family district's development standards are necessary to accommodate the proposed project. No significant zoning issues have been identified.

**Site Plan.** The project has vehicular access to and from Grande Avenue. The primary new street into the subdivision is an extension of Mercedes Avenue, forming a four-way intersection at Grande. It runs southerly into the project and creates two cul-de-sac streets, which provide access to the residential lots.

The site design is greatly influenced by City Council action in 2005. The Council authorized the provision of 50 feet greenbelt buffers to the east, west and south of the site. The District worked with adjacent neighbors to design the subdivision. The proposed site plan is generally acceptable to most neighbors. There were many areas of agreement with the current site layout, which include the current drainage concept, the street layout, the lot pattern, the density, and efforts to preserve existing trees. However, the areas of site plan that require further discussion include: 1) Lot 9 being a stand-alone parcel, which results in the greenbelt buffer width being 29 feet; 2) Neighborhood desires to include a bicycle/pedestrian path along the westerly open space area. The applicant's current site plan provides a path designed for pedestrian use only. Staff and the neighborhood expect this issue to be resolved at a later date; and 3) recognition that the submitted greenbelt plan is conceptual, although it was drafted based on collaboration between neighbors and the District.

**Policy Discussion Items.** Staff supports the concept of re-designating the property for single-family residential development. The type of use and subdivision layout is appropriate for the neighborhood and generally consistent with the City Council's previous direction. However, the Planning Commission and City Council may wish to further discuss the following items:

1. Acceptable Density. The Housing Element Steering Committee final recommendation (yet to be acted upon by Council) for the site is to allow a range of 50 to 75 units on the what the

Committee had believed to be 8.4-acre site (i.e., Medium Density Residential). Staff has prepared and attached a map showing the possibility of developing a 51-unit subdivision on the site. Given the requested land use change, a discussion of the project's density in acknowledgement of General Plan policies regarding infill development and the Housing Steering Committee recommendation is appropriate.

2. Sustainability. The City Council has made it clear its support for sustainable development. The proposed new subdivision would be subject to the City's new Green Building Ordinance. This Fall, the Natural Resources Commission and City Council will be considering standards to reduce the greenhouse gas emissions from new developments. The applicant indicates interest in the District earmarking a portion of proceeds from the sale of the site to upgrade existing facilities in order to offset the greenhouse gas emissions associated with proposed development. This concept has been incorporated into the draft Development Agreement.
3. District Employee Preference for Affordable Housing and Middle-income units. The proposal generally complies with all affordable and middle-income housing requirements. The one requested deviation is the ability to give preference to the District employees at the initial sales of the affordable housing and middle-income units. The staff and Social Services Commission believe that this proposal is acceptable, subject to the recommended conditions.
4. District's role in development. The District will sell the subject site, and will not be the ultimate developer. The proposal is being reviewed at a preliminary level, as is appropriate for this stage in the entitlement process. Development details, including greenbelt configuration, drainage calculations, tree preservation, and building elevations, will be prepared by the ultimate developer. These will be subject to standard city review and procedures, and conditions of approval.

### **Fiscal Impact**

A fiscal analysis was prepared for the proposed 41-unit project, and the 51-unit alternative raised by staff. The 41-unit project is expected to have a modest negative fiscal impact of approximately \$6,000 in additional costs above projected revenues at year three, the first year after full build-out. The 51-unit project is expected to have a modest negative fiscal impact of approximately \$2,000 in additional costs above projected revenues at year three. A negative fiscal impact of \$2,000 to \$6,000 is nominal in consideration of the entirety of the City's 40,000,000 General Fund budget. However, the cumulative impact of planned or proposed development needs to be monitored to ensure that the City Council goal related to new development covering its share of costs is met. The single largest determinant of this figure is the assessed value of the homes. If houses sell for more than anticipated this slight negative value may become neutral. Alternatively, if values are lower the fiscal impact could be higher.

The applicant has paid the appropriate project application fees for staff time to review and process the applications. According to the applicant, whatever funds are received by the sale of the site cannot be used for DJUSD operations or general fund needs as they can only be used for facilities. The DJUSD estimates that there is about \$20 million in deferred facilities needs.

### **Council Goals**

City Council goals applicable to the proposal include:

- Provide a mix of high-quality housing to meet community needs
- Conserve natural resources and protect the environment
- Achieve long-term financial stability

**Social Services Commission**

The proposal was reviewed by the Social Services Commission on September 29, 2008. The Social Services Commission concluded that the proposal was consistent with city requirements, and recommended granting the proposed exception of giving preference to the District employees, subject to additional information. The recommendation of the Commission is included in the rezoning special conditions of approval and the Development Agreement, which are consistent with staff recommended conditions of approval to Social Services Commission. However, in drafting the Planning Commission report, staff accommodated the applicant request to reduce the number of units in the Social Services Commission recommendation from 15 to 10. That conditions reads as follows: “Certificates of occupancy will not be provided on the last 15 market rate units in the project until all low/moderate and middle income units have been issued a certificate of occupancy.” This staff recommended change in the number of unit from 15 to 10 is intended to give the prospective developer better opportunity to provide both the affordable and middle-income units (total of 14).

**Background and Analysis**

**Project Data**

Applicant: Thomas Lumbrazo, 1504 Sierra Gardens Drive, Roseville, CA 95661

Owner Davis Joint Unified School District, c/o Bruce Colby  
 526 B Street, Davis, CA 95616

Location: South side 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; APN: 35-097-12

Property Size: 8.83 gross acres  
General Plan Designation: Public/Semi-public  
Zoning Designation: Residential One-family (R-1-6)

**Project Site & Its Surrounding GP Land Uses/Zoning Designations**

	<u>Existing Use</u>	<u>Zoning Ordinance</u>	<u>General Plan</u>
Site:	Vacant	Residential One-family,R-1-6	Public / Semi-public
North:	Single-family residences	R-1-6 & P-D#14-75 (R-1-6)	Residential Low-density
South:	Covell Park & Single-family residences	R-1-6	Public / Semi-public & Residential Low-density
East:	Single-family residences	P-D#5-77 (R-1-6)	Residential Low-density
West:	Single-family residences	R-1-6	Residential Low-density

### **Relevant Planning History**

The project site does not have an extensive planning history. In the past few years, the City Council and the Davis Joint Unified School District embarked on a mutual agreement to explore joint planning and mutual benefits from use of the District real property assets, which includes the Grande site. Summary of actions resulting from this decision is presented below.

August 4, 2006: A joint meeting of the Board of Education, Davis Joint Unified School District and City Council was held. The two bodies reviewed and approved a Memorandum of Agreement between the Davis Joint Unified School District and the City of Davis for the purpose of exploring joint planning and mutual benefits from use of DJUSD real property assets.

April 25, 2006: In a joint meeting the DJUSD Board of Education and the City of Davis City Council unanimously adopted the motion that follows: “DJUSD and the City of Davis will collaborate on site planning and approaches to maximize the value to DJUSD of the district owned land in concert with the city land use planning processes and with engagement of neighborhoods that will be affected by land use changes with an objective of addressing community needs, specifically housing.” Both entities appointed an Ad Hoc Committee representing the two governing bodies to begin planning work. The Ad Hoc Committee has met and worked since its creation to fashion the conceptual site plan for the Grande site in conjunction with Grande Neighborhood Association.

October 11, 2005: The City Manager wrote Superintendent David Murphy about the then-pending agreement between the DJUSD and a prospective developer that enumerated prior Council discussion about Grande site; briefly elaborated the entitlement process; and articulated the City’s rights under Naylor Act relative to the proposed land exchange.

May 3, 2005. The City Council authorized pursuit, in conjunction with DJUSD and Grande neighborhood residents, of a mutually beneficial resolution of issues pertaining to the District’s disposition of the Grande School site with the following interest: 1) support the District in their efforts to fully realize the asset value to the district in any transaction; 2) secure 50-foot greenbelt bike path buffers on the east, west and south boundaries of the site; and 3) develop one or more conceptual site plans that address city, neighborhood and community goals.

### **Environmental Determination**

An Initial Study was completed to examine potential areas of impacts resulting from the proposed project. It reveals that there are no significant adverse impacts associated with the proposed project that would warrant an Environmental Impact Report given the recommended mitigation measures, which are acceptable to the applicant. Recommended mitigation measures and conditions of approval will reduce any impacts associated with this project to less than significant levels; a Mitigated Negative Declaration has been prepared for City Council adoption.

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

A public hearing notice for this Planning Commission meeting was published on the Davis Enterprise on October 31, 2008. The public hearing notice was mailed to property owners within an expanded noticing area on October 28, 2008. In addition, a city initiated neighborhood meeting was held on September 10, 2008. Approximately 98 people attended the meeting, excluding staff and the development team. The neighborhood comments were received and most have been addressed by the applicant prior to this report.

### **Entitlement Applications Analysis**

Project Description. The proposed project will involve the following:

1. General Plan Amendment to change the land use map designation for the 8.83 gross acres parcel from Public/Semi-public to Residential Low-Density.
2. Rezoning and Preliminary Planned Development to change the zoning designation of the site from Residential One-family to a Planned Development Residential One-family. Some deviations from Residential One-family district development standards are requested to accommodate the proposed planned development;
3. Approval of a Development Agreement to govern the affordable housing and middle-income housing component of the proposed development, and the energy-efficiency improvements to existing DJUSD facilities. The proposal is to give preference to DJUSD employees for the affordable and middle-income units, while indemnifying the City of Davis;
4. Vesting Tentative Subdivision Map to divide the 8.83 gross acre parcel into 41 lots for single-family residential development, including provision of greenbelt parcels to the east and west of the site, additional parkland dedication to be added to Covell Park to the south, Grande Avenue improvements, and internal public roadway. The proposed lots will range in sizes as follows:
  - Market-rate lots from 4,736 to 7,602 square feet (27 total)
  - Middle-income lots from 4,660 to 5,131 square feet (6 total)
  - Low-income lots from 4,095 to 5,428 square feet (8 total)
5. Final Planned Development to establish zoning standards for the 41 lots, which include yard setbacks, building heights, lot coverage, floor area ratio, parking, and usable open space. Requested deviations for the market-rate lots pertain to yard setbacks, lot width, and minimum lot size. The deviations for the affordable housing lots pertain to yard setbacks, lot width, floor area ratio, lot coverage, usable open space, and minimum lot size; and
6. Mitigated Negative Declaration to evaluate and address any potential environmental impacts of the proposed project.

No formal affordable housing plan is submitted. The applicant proposes as part of the project description concept that is consistent with the Affordable Housing Ordinance with the exception of targeting the affordable and middle-income units to School District staff. The current proposal is to provide eight low-moderate income single-family for-sale ownership units and six middle-income units. The proposal is to give preference to District employees in the initial sale of the affordable and middle-income units. This would be accomplished by an initial lottery of District employees and a second lottery under the city's standard Incentive System should additional buyers were to be needed. The District would have to indemnify the city and provide demographic information to demonstrate that there is no disparate impact on a protected class.

**Policy Discussion Items.** Staff believes that the following policy discussions are appropriate:

**1. Acceptable Density for the project.**

The Commission and Council may wish to discuss whether the proposed project’s density is acceptable given the Housing Steering Committee’s final recommendation for this site, and the General Plan policies regarding infill development. The final report of the General Plan Housing Element Steering Committee ranked the Grande School site third out of 36 sites, and designated it “Green Light” for potential residential development. The Committee recommended that the site be designated Residential Medium-density, and be developed with 50 to 75 units. Below is excerpt of the Committee’s final report information relative to Grande site.

“Rationale for Recommended Site Ranking Category and Number (including Key Principles):

- 3.1 Close to parks and schools.
- 3.2 Adequate vehicular access to Grande Avenue, a collector street.
- 3.3 Residential use is appropriate given the existing surrounded residential uses.

Countering Views to Recommended Site Ranking Category and Number:

- 3.4 Difficult to integrate site with area due to existing street patterns.

Recommended Land Use and Design Considerations, Requirements or Conditions, and Any Additional Information that May be Needed for Site Development:

- 3.A Design compatibility with existing surrounding low density residential uses.
- 3.B Augment of the existing greenbelt system and connections.

Location: South side of Grande Avenue between F Street and Catalina Drive

Site Size: (Gross / Net Assumption) 8.4 ac / 6.0 ac

Recommended General Plan Overall Residential Density Category (net density range including density bonus):  
Medium (7.2 - 16.79 du/ac)

Estimated Potential Number of Housing Units Range: Per General Plan Category 43 – 101 du

Steering Committee Recommendation: 50 – 75 du”

Applicable General Plan land use principles, goal, and policies include.

- Principle 2. Focus growth inward to accommodate population increases. Infill development is supported as an appropriate means of meeting some of the city’s housing needs.
- Policy LU A.1 In infill projects, respect setback requirements, preserve existing greenbelts and greenstreets, and respect existing uses and privacy on adjacent parcels.
- Goal LU 2 Define the types, locations, pace, and intensity of infill development consistent with neighborhood, agricultural and open space preservation policies.
- Standard LU 2.1a Guidelines should recognize various forms and patterns of infill development including: “...; 3) residential infill in/near established neighborhoods (e.g., Grande and Wildhorse school sites). densification of existing single family lots; 4) targeted residential infill to help address the needs of UC Davis students and employees, City and school district employees, seniors, lower income households and other special needs groups (e.g., prospective joint UC-City-RDA-private sector sponsored projects); and 5) redevelopment of older apartment complexes.”

The site includes 7.61 acres after excluding the park and greenbelt dedication. The maximum density for the Residential Low-density land use designation is 5.99 units per acre, or 5.39 units for the site. The Medium Density designation would allow 106 units on the site.

The 2005 City Council direction called for development of one or more conceptual site plans that address city, neighborhood and community goals. Below is a site plan showing potential to develop the site with 51 units, which is within the Housing Steering Committee’s recommendation.



Staff is recommending approval of the applicant’s proposed 41-unit subdivision because it is more consistent with the Council’s 2005 direction to support the District in their efforts to fully realize the asset value to the District in any transaction regarding the sales of the site. The proposed site plan has the support of the neighborhood, and will provide the District with the revenue needed to help address existing infrastructure needs.

2. Sustainability.

The subdivision would be subject to the City's new Green Building Ordinance. In addition, the Natural resources Commission (NRC) will be considering standards to reduce the greenhouse gas emissions from new developments. Given that no developer has been identified at this time and that the NRC is working developing standards to reduce the greenhouse gas emissions associated with new development, a recommended condition of the Planned Development district requires that the developer comply with any city established standards in effect at the time of building construction.

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.

The District is proposing to use a portion of the proceeds from sale of the site for energy-efficiency improvements to its existing facilities. These improvements will serve to offset some or all of the greenhouse gas emissions that are anticipated to result from residential development on the Grande site. The DJUSD Board is scheduled to discuss this at its meeting on November 20 and refine the proposal for consideration by the City Council. A placeholder for this concept has been included in the draft Development Agreement.

**3. District Employees Preference for Affordable Housing and Middle-income units.**

The basic affordable housing and middle-income proposal is consistent with applicable city regulations. The only requested deviation from the standard requirements is to give preference to District employees at the initial sales of the affordable and middle-income units.

Staff and the Social Services Commission believe this concept has merit and should be further explored. The attached Development Agreement addresses in detail the expectations and limitations of this proposal. The factors are: 1) how will the preferential treatment be carried out, 2) will there be disparate treatment on protected class due to the preference; and 3) will the city be indemnified by the District?

As proposed, there will be two-tiered lottery system. The initial lottery will be conducted by the District and the second lottery by the city if additional buyers were to be needed. The District would have to provide demographic information to demonstrate there is no disparate impact on protected class. The City Attorney will review any information provided to assure legal compliance. Staff has recommended in the Development Agreement that should additional details be required to accomplish the goals of the affordable housing ordinance, an Affordable Housing Plan application shall be filed to address this issue through a public hearing process at the Planning Commission level. However, should the proposal require no significant details, there will be no need to file an Affordable Housing Plan application.

**4. District's role in development.**

The District has worked in good faith with neighbors in fashioning the layout of the subdivision. A number of items were included in the site plan, which the neighbors found generally acceptable. The role of the District is not that of a developer as it intends to sell the parcel to an

entity that would ultimately develop it. That developer will be required to provide detailed improvement plans at the time of approval of the final subdivision map. It is possible that these plans may not be consistent with the neighborhood expectations. Staff recommends the Commission review the recommended conditions of approval in this light.

The District has also worked in good faith to address staff concerns over drainage and stormwater management, tree preservation, and grading. At this time, however, we do not have the design details to fully evaluate compliance with city standards. For example, preliminary plans show the trees to be planted or preserved in locations that may be inconsistent with the location of proposed drainage swales. As the ultimate developer prepares improvement drawings, city review will be based on

It is possible the prospective developer may not share the vision as currently worked out by the District with the neighbors. The nature of the entitlement approval is such the prospective developer would be able to start with building permit applications should the District record the Final Map, or start with Final Map process, which does not lend itself to much discretionary review. Staff ultimate review of the improvement plans to be submitted for the greenbelt system proposed will take into consideration the fiscal realities of maintenance and city greenbelt improvement standards. Building permits for single-family homes will be issued without architectural review providing the construction complies with setbacks and other standards. Project components, such as giving preference to the District's employees on the initial sales of affordable housing and middle-income units will be implemented by the ultimate developer. The sale would be subject to city conditions of approval and any applicable provisions of the contract between the District and the developer.

If the necessary items to verify legality of the proposal are not provided, this preferential treatment may not be accomplished.

Other Items. Staff believes that the items below are noteworthy as they guide the future improvements provision and subsequent occupation of the approved project, should the proposal be approved.

1. *Standalone Lot 9.* Lot 9 is proposed at the northwest side of the project. It has greenbelt on its west and east borders, and street to the east and north. Adjacent to this lot, the greenbelt buffer is 29 feet wide. The March 2005 Council approval concept was for a 50 feet wide greenbelt buffer.

Given the lot's location and the prohibition of parking on the western side of "A" to which the lot faces, staff recommends that four on-site parking spaces be provided to address any potential parking issues.

Staff believes with the recommended condition of approval for four on-site parking spaces and the fact that there will be side and rear yard setbacks associated with the development of this lot, all concerns are reduced to less significant levels.

2. *Bike/Pedestrian Path Within Western Greenbelt.* The original tentative map submittal included a site plan that had been developed, in part, in response to neighborhood desires to include a bicycle/pedestrian path along the westerly open space area. The original submittal showed a bicycle/pedestrian pathway along the westerly open space area, generally corresponding to the route of an informal dirt trail used by people as a path of travel from neighborhoods north of Grande, to destinations such as Covell Park, Community Park, the branch library, and area schools to the south. Staff was concerned with the safety issues inherent with a two-way, off-street bicycle path connecting to the on-street bicycle system (Grande) at the southwest curb return of the proposed intersection. Based on staff's concerns, the applicant revised the tentative map site plan to provide a path designed for pedestrian use connecting to the sidewalk on the south side of Grande, approximately one hundred (100) feet west of the proposed intersection. Staff has no safety concerns with the currently proposed site plan. Neighbors expect to continue to discuss the configuration of the greenbelt, and the possibility of a bike path, after the Council's action to approve the project.
  
3. *Minimum General Plan Required Neighborhood Greenbelt Width.* The General Plan Interpretation states that "Neighborhood greenbelts shall be of varying width, averaging about 100 feet." Previously, the City Council has approved the concept of providing 50 feet greenbelt to the west, east, and south. It noteworthy that the southern edge of the site is a neighborhood park to which 0.37 acres is proposed to be added to; the western edge includes greenbelt, 0.79 acres, that ranges from 50 to 70 feet in width; and the eastern greenbelt, 0.67 acres, that ranges from 29 to 45 feet in width. Given that this is an infill site and the configuration of the site, it is practically infeasible to provide the average 100 feet greenbelt width and still design an acceptable residential density for the site. Thus, this project cannot be required to meet this General Plan Interpretation. Other subdivisions, such as Glacier Place, Cassel Lane, Verona and Simmons Estates were approved without providing the 100 feet neighborhood greenbelt average width.

**General Plan Amendment / Consistency Finding.** The proposed project is consistent with the proposed General Plan designation of Residential Low Density (3.00 to 5.99 units per gross acre). The proposed density of 4.66 units per acre is within the 3.00 to 5.99 units per acre allowed under Residential Low-density land use designation. The proposal will comply with applicable General Plan policies based on the use and configuration, subject to the overall recommended conditions of approval and mitigation measures of other entitlement applications. Analysis of compliance with applicable General Plan policies is attached.

Staff believes that the proposed subdivision is an appropriate project consistent with the General Plan policies for infill development. The General Plan calls for the development of Infill Design Guidelines, which has been crafted and adopted by the city. An analysis of how this project complies with the guidelines has been conducted by staff (attached). The conclusion from the analysis is that the proposed project complies with all applicable aspects of the Infill Guidelines.

**Development Agreement (DA).** A Development Agreement provides a vested right for development of an approved project. This Development Agreement contains two other main elements; affordable housing and sustainability. These two topics have been discussed previously in this report.

**Consistency Finding / Rezoning and Preliminary P-D.** Section 40.22.050(a) of the city code requires that a Planned Development district process two separate applications; the Preliminary Planned Development and the Final Planned Development. The applications may be processed concurrently. Preliminary Planned Development designates land use classifications, development densities and standards, and street circulation patterns. Final determinations regarding lot configurations and design standards are made through the Final Planned Development and Tentative Map processes. Staff believes that the proposed project will comply with zoning requirements, as conditioned. Given that the project involves concurrent applications' processing, the final zoning standards are addressed under the Final Planned Development (FPD) application.

The purpose of a P-D district (section 40.22.010) is to allow diversification in the relationship of various buildings, structures and open spaces in order to be relieved from the rigid standards of conventional zoning.

**Vesting Tentative Map.** A vesting tentative map confers a vested right to proceed with development in substantial compliance with the ordinances, polices and standards of the city as described in section 66474.2 of the Subdivision Map Act. Given this right and the fact that some plans, such as the greenbelt design plan, is conceptual, appropriate conditions of approval have been recommended to require compliance with the standards in place at the time of filing for Final Map, or the Community Development Director signing of the approved vesting tentative map. Likewise, payment of development impact fees associated with the development and compliance with municipal code regulations are recommended to apply at the appropriate times, such as filing for building permit applications.

Site Design Items. There are no significant site layout issues that staff can identify. As addressed above under subsection of "Other Items," the site plan contains a stand alone lot, Lot 9, which appears to be a concern from varying perspectives. However, staff believes that the recommended conditions of approval relative to this lot adequately mitigated the concerns to less than significant levels.

As previous addressed in this report, the submitted greenbelt plan is deemed conceptual. Given this fact, staff has recommended a standard condition that reads: "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." The applicant is concerned that a prospective developer could find this condition financially burdensome. Staff, however, believes that this condition is necessary and appropriate for reasons that include: 1) the submitted greenbelt concept plan lacks adequate details to be reviewed at this time, and may not accurately reflect what is feasible to be provided on the

proposed greenbelt areas; 2) this condition is a city standard for greenbelt improvements in new subdivisions; 3) at 50% occupancy requested by the applicant, the new residents would want to see amenities not typical of greenbelt improvements provided, which could create conflicts; 4) city staff prior experiences indicate that not providing the greenbelt prior occupancy is problematic for many reasons that include difficulty of the plant materials establishing due to interference by residents; and 5) it is logical to provide the greenbelt improvement concurrent with other site improvements.

**Final Planned Development (FPD).** The final P-D application establishes the final zoning standards for the project, such as building height, yard setbacks, lot coverage, FAR, usable open space, and parking standards. The FPD establishes the final development standards for the new P-D. The proposed project is compared to the base zone, R-1-6, development standards. Staff believes that the deviations requested are minor and appropriate. See comparative table below. They facilitate the development of the affordable housing lots with units that will be compatible with the market-rate units.

<b>All Lots (Market-rate &amp; Middle-income) Excluding Lots 7, 8, 11, 12, 25, 26, 28 &amp; 29</b>			
	<b>Standard R-1</b>	<b>Proposed Standard</b>	<b>Compliance</b>
<b>Lot Area</b>	7,000 sq. ft. corner lot 6000 sq. ft. interior	Not applicable Ranges from 4,600 to 7,602	Yes, under PD
<b>Lot Width</b>	65' corner lot 55' interior lot	Not applicable Ranges from 40' to 74'	Yes, under PD
<b>1<sup>st</sup> Story Setbacks</b>			Yes, under PD
<i>Front:</i>	20'	20'	
<i>Sides:</i>	5' / 7'	5'	
<i>Street side Corner</i>	15'	15'	
<i>Rear:</i>	20'	20'	
<b>2<sup>nd</sup> Story</b>			
Front	20'	20'	
Side	10' both sides	10'	
Rear	25'	25'	
<b>Usable Open Space</b>	20% minimum	20% minimum	Yes
<b>Floor Area Ratio</b>	Up to 40% (plus up to 500 sq. ft. for garage)	Up to 40% (plus up to 500 sq. ft. for garage)	Yes
<b>Lot Coverage</b>	40% maximum	40% maximum	Yes
<b>Maximum Building Height</b>	30 feet / 2 stories	30 feet / 2 stories	Yes
<b>Parking Spaces</b>	2 spaces per unit, 1 covered & 1 uncovered	2 spaces per unit, 1 covered & 1 uncovered	Yes

<b>Affordable Housing Lots 7, 8, 11, 12, 25, 26, 28 &amp; 29</b>			
	<b>Standard R-1</b>	<b>Proposed Standard</b>	<b>Compliance</b>

<b>Lot Area</b>	7,000 sq. ft. corner lot 6000 sq. ft. interior	Ranges from 4,095 to 4,576 Ranges from 4,095 to 4,576	Yes, under PD
<b>Lot Width</b>	65' corner lot 55' interior lot	64' to 85' 77' to 100'	Yes, under PD
<b>1<sup>st</sup> Story Setbacks</b> <i>Front:</i> <i>Interior sides:</i> <i>Street side</i> <i>Rear:</i>	20' 5' / 7' 15' 20'	20' 0', attached; 5' detached 5' 15' & 20' depending on lot	Yes, under PD
<b>2<sup>nd</sup> Story Setbacks</b> Front Interior sides Street side Rear	20' 10' 15' 25'	20' 10'; except attached, 0' 15' / 20' depending on lot	
<b>Usable Open Space</b>	20% minimum	7% minimum, or 300 square feet	Yes, under PD
<b>Floor Area Ratio</b>	Up to 40% (plus up to 500 sq. ft. for garage)	Up to 50% (plus up to 500 sq. ft. for garage)	Yes, under PD
<b>Lot Coverage</b>	40% maximum	50% maximum	Yes, under PD
<b>Maximum Building Height</b>	30 feet / 2 stories	30 feet / 2 stories	Yes
<b>Parking Spaces</b>	2 spaces; 1 covered & 1 uncovered	2 spaces, 1-covered; 1-uncovered	Yes
<u>Notes:</u>			
<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> </ol>			

As stated above, the main deviations are associated with the affordable housing. The deviations are appropriate in order to facilitate the development of the affordable housing lots. The recommended conditions of approval appropriately reflect the final zoning standards for each lot.

**Conclusion**

Staff recommends approval of the project applications for the following reasons: (a) the proposed subdivision and neighborhood layout is compatible and complements the existing neighborhood; (b) the use adds to the city’s housing stock variety and addresses housing needs; (c) conditions of approval and mitigation measures recommended for adoption will adequately address any concerns raised due to the proposed project; and (d) there are no significant issues with the proposed infill residential project. All the findings for all the requested entitlement

applications can easily be made and are made in the attached findings and conditions. Staff raised areas for further discussions, which include whether the density proposed is appropriate or should be increased; sustainability disclosure given that a developer for the site has not been identified; the District's request to give preference to its employees in the initial sales of the affordable and middle-income units; and disclosure that the District is not anticipated to develop the site, thus certain conditions of approval and mitigation measures may be addressed differently at future date by the ultimate developer of the site. The Commission and Council may choose to discuss these items further, or accept staff recommendation and approve the project applications as proposed and recommended.

### **Attachments**

1. Applicant's Submittal Packet
  - √ Project Description
  - √ Site Plan & Vicinity Map
  - √ Exhibit Maps
2. General Plan Resolution
3. Development Agreement Ordinance
4. Rezoning Ordinance
5. Findings and Conditions of Approval
6. Initial Study/Mitigated Negative Declaration
7. General Plan Consistency Findings
8. Infill Development Guidelines
9. MOA Between City and DJUSD