

Meeting Date: May 27, 2009

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

### Staff Report

May 22, 2009

**TO:** Planning Commission

**FROM:** Katherine Hess, Community Development Director  
Michael Webb, Principal Planner  
Cathy Camacho, Planner

**SUBJECT:** PA #55-07: Mitigated Negative Declaration #1-08, General Plan Amendment #5-07, Rezone/Preliminary Planned Development #8-07, Development Agreement #04-08, Tentative Subdivision Map #3-08, Final Planned Development #12-07, Affordable Housing Plan #1-08, Design Review #7-08: **Chiles Ranch Subdivision (2411 E. Eighth Street)**

---

#### Recommendation

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

1. Determine that Mitigated Negative Declaration #1-08 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 Map designation of the subject site (APN# 71-020-15; 71-401-02; 71-401-03) from "Residential Low-Density" to "Residential Medium-Density."
3. Adopt the attached Ordinance that establishes the Development Agreement between the City of Davis and the Developer.
4. Adopt the attached Rezone/Preliminary Planned Development Ordinance changing the zoning designation of the subject site parcels from Agriculture (A) and Residential One and Two Family (R-2) to Planned Development #8-07, with underlying residential single family residential uses.
5. Approve the following entitlement applications, based on the findings and conditions for each application attached to this report:
  - A. Tentative Subdivision Map to merge the three parcels into a single lot and re-subdivide the merged parcel for creation of a residential subdivision, including city greenbelt parcels; public streets; and private drives and common open space.
  - B. Final Planned Development to establish development standards for the lots, including building setbacks, building heights, lot coverage, floor area ratio, parking, and usable open space.
  - C. Affordable Housing Plan to govern the affordable housing component of the development
  - D. Design Review for site plan and architectural review of proposed building elevations.

#### Executive Summary

The applicant proposes a medium-density residential subdivision of 108 dwelling units on 12.1 acres ("*Chiles Ranch*"). The subject site consists of three parcels located south of Regis Drive, west of Mesquite Drive, east of the Davis Cemetery, and north of E. Eighth Street. The two largest parcels are located in the interior of the site and are not clearly visible from the street. The smallest parcel is located on E. Eighth Street. The three parcels would be merged and re-subdivided to create the single family lots; condominium parcels; new public street; city greenbelt; common open space; and private drives within the development. The proposed development would provide a mix of for-sale market rate and for-sale low/moderate income dwelling units. The existing General Plan Map Land Use designation on all three parcels is "Residential Low-Density." The zoning on the three parcels is a mix of Agriculture (A) and Residential One and Two Family (R-2). The General Plan has intended for residential use since 1973. For this reason a Measure J vote would not be needed to develop the proposed subdivision.

As proposed, the 108 unit subdivision would result in a medium density development of 9.47 units per gross acre. The applicant is requesting a General Plan Amendment to change the land use designation on all three parcels from "Residential Low-Density" to "Residential Medium-Density" to accommodate the proposed compact infill development (Attachment 1). If approved, the project would be consistent with the "Residential Medium-Density" land use designation (6.00 to 13.99 units per gross acre with density bonus) which would permit up to 169 units per gross acre on the site. The concept of a medium density project was supported by

the City Council for this infill site during the SACOG process. The proposal would also require a Preliminary Planned Development/Rezone of the subject site from a mix of R-2 and Agriculture uses to a residential Planned Development to allow for flexibility from R-1 zoning (Attachment 2); and Final Planned Development to establish development standards.

Overall, staff is supportive of the project and the requested entitlements. The key outstanding issue is the difference between the nearly two acres of open space (1.86 acres) that the applicant is proposing as city greenbelt and mini-park, and the significantly less acreage (.70 acres) that staff is recommending that the city accept. Details regarding the greenbelt proposal and other significant issues are identified in the further in the staff report.



**Proposed Chiles Ranch Subdivision Site (N ↑)**

#### Site Background

The subject site originally operated as a family farm and contained a large farmhouse which was destroyed in a fire in 1972. The property is now largely vacant, with a few deteriorated outbuildings and a large barn remaining in the southwest quadrant of the property. Under the project proposal the outbuildings would be demolished. The barn would be deconstructed and the lumber would be reused in part to construct a gathering structure on the site. A remnant swale traverses the quadrant southwest corner to the northwest corner. The existing swale would be brought up to grade to accommodate the proposed development.

Swainson's hawks are known to nest within one-quarter mile of the proposed project and nesting has occurred on the site in the past and may support nesting in the future. White-tailed kites roost in the cedars in the cemetery and may roost on the Simmons site. Impacts to biological resources are addressed in the environmental analysis prepared for the project and would be mitigated in accordance with Fish and Wildlife Services requirements.

Numerous trees and shrubs are scattered through the property. The applicant states that most of the trees would be removed as many of the species are not suitable for the proposed use, are misshapen, unhealthy or have significant structural defects. The plan would incorporate several existing trees into the landscape; other trees would be moved and replanted on site or donated to the adjacent cemetery if feasible. A large elderberry shrub was identified within the proposed project site. The elderberry shrub is the sole host plant for the valley elderberry longhorn beetle (VELB). The CDFG indicated that elderberry shrub located within the parcel was not likely to be inhabited by the VELB because the shrub is surrounded by development, isolated from other elderberry shrubs or other riparian vegetation, is not located within a riparian area, and has no exit holes detected in three years of focused surveys. The applicant has transplanted the elderberry shrub to a service approved conservation bank (Wildlands Inc, River Ranch VELB Conservation bank in Yolo County) following the Service's Conservation Guidelines for the Valley Elderberry Longhorn Beetle in doing so.

#### Development Proposal

The development proposal includes single family homes of various types ranging from traditional detached and attached dwelling units; alley loaded dwellings with detached garages; and small pods of six to eight homes surrounding a courtyard. Twenty condominium units are also proposed, clustered in five buildings located on the west side of the project. The applicant proposes approximately 3.66 acres of private and public open space, including 1.86 acres of city greenbelt and mini-park with gathering structure for community use; and approximately 1.8 acres of common open space. Vehicular access would be from two entrances located off E. Eighth Street. Internal circulation would be via new public street and private drives. The project would comply with the Green Building Ordinance. A carbon reduction plan has been proposed that would meet the city's recently adopted greenhouse gas emission reduction standards. (Attachment 12).

The construction timing for the project is proposed in two phases. It is anticipated that Phase I would begin in spring of 2010. Phase II infrastructure improvements are anticipated to begin in spring 2012 with final build out of homes in 2013.

The Chiles Ranch subdivision would include the following key features:

- ✓ Provide a compact medium density residential development
- ✓ Help meet the city's housing goals and regional housing obligation
- ✓ Provide a mix of housing sizes and prices
- ✓ 86 market rate units; 22 for-sale market low/moderate income units
- ✓ Diversity of housing options and styles
  - Approximately 15 architectural exteriors
  - Attached and detached single family dwellings
  - Condominium units
  - 11 units proposed with second dwelling units located above detached garage
  - 10 units proposed with additional bedroom/den/game room located above detached garage
- ✓ "Like to like" housing (ie. a new home constructed near an existing single story would be single story; a new home constructed near an existing two story home would be two story).
- ✓ Maintain privacy of adjacent properties on north and east edges of the development with greenbelt / buffer between existing and new homes
- ✓ Approximately 217 new trees planted on the site
- ✓ Common resident amenities such as open space, resident gardens, and walking paths throughout the site
- ✓ Monthly Homeowner's Association fees collected and used to maintain the common area landscaping and infrastructure
- ✓ Bicycle/pedestrian connectivity through Chiles Ranch to Mace Ranch Park
- ✓ Encourage automobile trip reduction by facilitating a potential new bus route (*Currently due to a "dip" in the street gutter at Mesquite Drive, buses cannot travel on E. Eighth Street east of Pole Line Road.*) The developer proposes gutter modifications that would accommodate a future bus route.
- ✓ Provide a second point of emergency access at the northeast corner of the site via an enhanced portion of the bike path off Wellesley Avenue
- ✓ Traffic calming measures installed on E. Eighth Street in the project vicinity
- ✓ Consistency with City's Infill Guidelines
- ✓ Consistency with City's Build It Green Ordinance
- ✓ Development Agreement including the following key elements:
  - Carbon Reduction Plan including exceeding California Title 24 standards by 35%
  - Installation of 37kW household photovoltaics in the development
  - Supplemental Residential Fee for Market Rate Units
  - Tree Mitigation Fee
  - Park in -lieu Fees
  - Provision Requiring Diverse Architectural Lots

Staff notes that the current generations of the Chiles family, neighbors, and the applicant propose to name the subdivision "*Chiles Ranch*" to acknowledge the role of the Chiles family in the history of the property.

#### SACOG Process

The site has been under consideration for a residential infill project since 2007 when the city received a grant from the Sacramento Area Council of Government (SACOG) provided to local governments to promote public involvement in Blueprint-friendly community development and to guide developers in preparing infill proposals. The SACOG grant enabled the city to hire a planning consulting firm to enhance public involvement and create concept plans for the property (formerly know as "Simmons Estates"). The "Tools of Engagement" process for site began in June of 2007 and included four community workshops, including one design charrette. Seven preliminary concept plans for development of the site were created by the public during the charrette. The process culminated with two plans developed by the consultant based on community input, and a plan prepared by the Sunrise Neighborhood Association as an alternative to the workshop plans. The process yielded six "Guiding Principles" to identify the most significant characteristics and features to consider in the development of the site.

The three concept plans were reviewed by the Planning Commission in December 2007 and by the City Council in January 2008. The Planning Commission did not recommend, nor did the City Council adopt any one specific concept plan presented for the development of the site. The recommendation was that the developer continue to work with the neighborhood association in developing a mutually acceptable plan.

The City Council voted to:

1. Adopt the "Guiding Principles (Attachment 14).
2. Proceed with a project with a fifty-foot minimum buffer on the north and east edges.
3. Establish a range of 7 to 10 gross units per acre (maximum 84-120 units /medium density) for the project.

#### Historical Review Process

Two independent historical surveys conducted on the subject site concluded that the complex and buildings did not meet the criterion for federal, state or local designation as historical resources. The key building (the main house) has been gone since 1972. The remaining buildings date from 1902 through 1936. Most of the pre-1936 agricultural buildings and structures, except the large barn, have extensively deteriorated and the structures exhibit poor integrity. In July 2008, the City Council determined that based upon the historical evaluations, the barn is not a national, state or local historical resource for the purposes of CEQA; and the city does not wish to designate the barn as a local historical resource for the Davis Register.

#### Final Plan Development Process

As directed by City Council, the applicant and neighbors have continued to work together since January 2008 to develop a mutually acceptable development plan. Staff believes that the developer has diligently engaged the neighbors in good faith to develop the project proposal and address resident concerns. A "Letter of Agreement" between the developer and the Sunrise Neighborhood Association outlining particular topics which are mutually supported by both the developer and SNA including number of units, like for like housing, buffers, bike/ped safety, landscaping, parking, etc, is provided in Attachment 19. *(Staff notes that upon review of the final development plan in December 2008, SNA believes that the plan is not fully consistent with the letter of understanding. Outstanding SNA issues and staff responses are detailed in Attachment 21).*

Prior to submission of the project proposal under consideration, the developer met with the Sunrise Neighborhood Association on the dates shown below. Staff did not attend these meetings.

1. February 8, 2008: Meeting with SNA Board
2. March 3, 2008: Meeting with Board prior to general membership meeting
3. March 3, 2008: General SNA membership meeting
4. April 1, 2008: Meeting with SNA Board
5. April 2, 2008: General membership meeting
6. June 2, 2008: Meeting with SNA Board
7. June 25, 2008: General membership meeting
8. December 4, 2008: Meeting with SNA Board
9. February 19, 2009 Meeting with SNA Board

The developer also met individually with the residents of the home located immediately west of the Chiles Ranch site to address their individual concerns.

1. February 2, 2008
2. February 19, 2008
3. March 19, 2008
4. May 3, 2008

The applicant has provided an overview project features included or revisions made to site plan in response to neighborhood concerns (Attachment 22).

#### General Plan/Housing Element Update Steering Committee Recommendation

The site has been evaluated by the General Plan / Housing Element Update Steering Committee. Out of 36 potential housing sites that were ranked, this site is identified as number 10 of 20 recommended "Secondary" or "green light" housing sites. ("Primary" housing sites are those currently planned and zoned for housing.) The Committee recommended rezoning for the site for residential use and a range of 88-180 units. The proposed medium density project is consistent with the Committee's recommendation for medium density development and with the principles used by the Committee in ranking sites. These principles included: promotes overall proximity to existing community facilities including parks, greenbelts, and schools and shopping; is capable of providing compact development; promotes pedestrian, bicycle and transit mobility; and is compatible with existing land uses in the vicinity.

#### Project Description

The Chiles subdivision would include 108 residential units featuring a variety of architectural designs, house sizes, and resident amenities built around a central public street and private drives. Dwellings would be a mix of detached and attached two-story homes and condominium units. Single family dwelling would be oriented facing public streets or interior common space, with five detached homes fronting E. Eighth Street. The condominium parcel would be the densest area of the project, clustered in five buildings on the west side of the project, located adjacent to the cemetery away from existing homes. Public greenbelt and private open space is proposed and would be installed in phases. The applicant narrative is provided in Attachment 7. The conceptual site layout is provided in Attachment 8.

The project proposal includes:

- Detached single family dwelling units
- Attached dwellings units (duplex)
- Condominium units
- Single family lots ranging from 2,000 square feet to 5,000 square feet
- Floor plans ranging from 1,047 to 2,200 square feet, with two, three or four bedrooms
- A mix of one story, one and a-half story, and two story dwellings
- Approximately 15 different architectural designs
- Buffer between new and existing homes
- Common open space, two resident gardens; and landscaped areas and walking paths meandering throughout the site

- Public parking permitted on side of the street providing 70 on-street spaces for visitor and resident overflow parking
- Total number of required on-site street spaces for residents is 235. A total of 263 on-site parking spaces would be provided.
  - Two on-site parking spaces required and provided for each single-family dwelling and condominium unit in an attached or detached two-car garage or carport (214).
  - One additional on-site parking space required for each dwelling with a fifth bedroom or second unit located above the garage (21 spaces).
  - Total additional parking spaces in driveways (28)



**Chiles Ranch Layout**

**Proposed**

Approximately 3.66 acres of the 12.1 acre site is proposed as public and private open space (30%). Approximately 1.8 acres (15%) of the development would be common open space, including interior open space designed for pedestrians, and providing access to the resident gardens, shade structure and internal greenbelts. The common open space areas would be maintained by the HOA. Approximately 1.86 acres (15%) of the site is proposed as city greenbelt and mini park. Greenbelts are proposed on the north and east edges of the property, serving in part as buffers between existing and new homes.

- The east greenbelt would provide bicycle connectivity to Mace Ranch Park at the northeast corner of the property through Wellesley Drive; and access to E. Eighth Street through connection to new public street at the southwest portion of the greenbelt.
- The development would provide a central open space near the entry of the project, containing two existing oak trees and a proposed shade structure to be partially constructed from reused barn lumber. The applicant proposes this area as a mini-park for community use, with the city owning and maintaining the land and the structure.
- The public and private open spaces areas are proposed as an integral component of the post construction Best Management Practices (BMP) for storm water collection and treatment.

Staff believes that the project proposal as presented, and with the proposed conditions, represents a sound residential development that would be compatible with the surrounding neighborhood, while also helping to further city housing and sustainability goals.

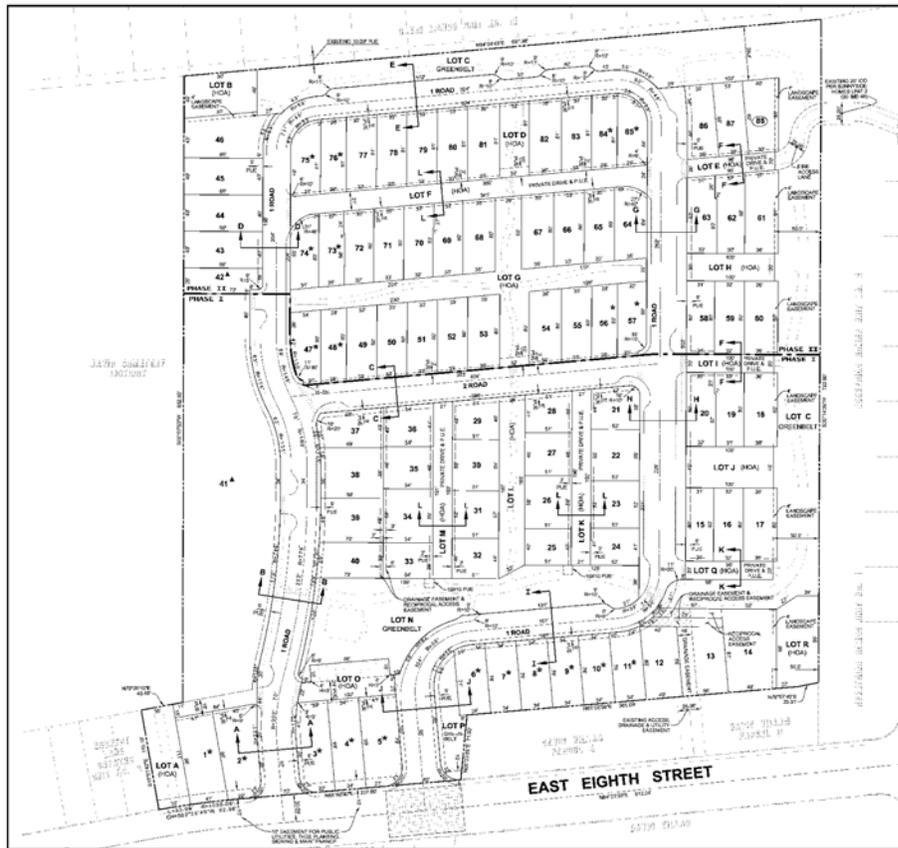
The site provides ample open space, architectural diversity, and is designed to minimize impacts on adjacent existing homes. Generally, staff is supportive of the project including proposed density, housing mix and design, inclusion of second units, affordable housing plan, and site layout. Significant issues are addressed below.

**Significant Issues**

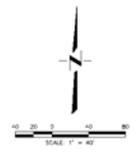
Staff has identified the following significant issues. The issues are relevant for discussion purposes and/or to provide information on specific project features to the Planning Commission. Summary recommendations are provided below. Recommended Findings and Conditions of Approval are provided in Attachment 5.

1. Greenbelt Proposal. During the SACOG process, the City Council required as a project feature, fifty foot buffers on the north

and east edges of the site to reduce impacts of the development on existing properties. The applicant has incorporated buffer areas and other open space into the site plan, proposed as “city greenbelt”, to meet the buffering requirement. The areas proposed by the applicant as city greenbelt would reduce the overall amount of common space within the development and resulting HOA fees for new residents. The key issue for staff is that the Council recommendation was to provide “buffers” in the development, but did not specify “greenbelts.” There is a distinction. The project proposal identified greenbelt areas Lot C located on the north and east edges of the property; Lot P located west of lot 6; and Lot N located near the entrances to the development and proposed as a “mini-park.” In staff’s opinion, the majority of the area identified in the project proposal as “city greenbelt” does not meet the definition and intended use of city greenbelts. Staff is recommending that of the project areas proposed by the applicant as city greenbelt, only a portion of Lot C is acceptable, as described in the following pages.



**NOTES:**  
 1. SEE SHEET 3 FOR STREET CROSS SECTIONS



APPROVED BY: \_\_\_\_\_  
 CITY OF SALES PLANNING DEPARTMENT DATE: \_\_\_\_\_

PROJECT NO.	4953
PROJECT NAME	CHILES RANCH
DATE	11/21/08
DRAWN BY	AS SHOWN
CHECKED BY	
APPROVED BY	

**TENTATIVE SUBDIVISION MAP NO. 4953  
 CHILES RANCH  
 CONCEPTUAL LAYOUT**

CALIFORNIA

SHEET  
**C2**  
**6**

DATE: 11/21/08  
 JOB NO: 015.02

*Lot C / East Area.* Staff is recommended that the city accept a portion of “Lot C” as city greenbelt. Generally the greenbelt would begin at the top northeast corner of the site and continuing southward along the eastern edge to “Lot R”. The greenbelt area would continue westward between “Lot Q” and lots 13-14, ending at the back of the public sidewalk located on the new public street. This area would provide approximately .70 acres (6%) of greenbelt. The greenbelt would provide bicycle path connectivity to the city’s existing greenbelt system from Chiles Ranch to Mace Ranch Park through Wellesley Avenue, and would guide riders southward onto the new street and to the bicycle lane system on E. Eighth Street. The bicycle path would be 10 feet wide and constructed to city standards. The applicant proposes naturalized landscape treatment, incorporating vegetated swales, native and adaptive plantings, and limited, or no use of turf.

Staff believes that this area meets the following General Plan Parks & Open Space (POS) standards for greenbelts:

- New residential development should be oriented around the greenbelt system. (POS 3.1(a))
- Greenbelts should be located and designed to accommodate the management of stormwater drainage. (POS 3.1(g))
- Provide convenient greenbelt access points in all new development. (POS 3.1(j))
- New greenbelts should be created in places where access to the existing greenbelt/bikeway system is currently lacking.” (POS 3.1(i))

*Lot C / North Area.* The neighborhood, community, applicant and staff support bicycle connectivity between the Chiles Ranch subdivision and the cemetery. At the onset of this project the applicant and staff have worked diligently to accomplish this. Staff indicated to the applicant from the onset of the development process that if connectivity through the cemetery at the northwest corner of the site was possible, the staff would accept the north area buffer as city greenbelt. A bicycle path through the cemetery was an enthusiastic and common goal for staff, the applicant, and the cemetery district who worked together to pursue a connection. Ultimately, the cemetery district expressed concerns that the city could not provide assurances for, such as allowing the cemetery to close the bike path or turn off the lights at night if vandalism or other negative impacts to the cemetery occurred as a result of bringing people onto the property via bike path. Therefore, at this time a connection through the cemetery will not occur.

Without bicycle connectivity, staff finds that the north edge would be a “buffer”, as opposed to a city greenbelt. The applicant description states, “*The north perimeter greenbelt includes a 6’ wide pedestrian-only path and small trees laid out in rows, reminiscent of the orchard operations at the ranch.*” Staff believes that this area would primarily provide an amenity to the new residents, and serve as a separation between new home and existing homes, as opposed to providing a community wide benefit as greenbelt. However, staff has included specific conditions under which the city would consider accepting dedication of the north buffer from HOA to city greenbelt should a bicycle connection be possible in the future.

**Staff recommends that the developer dedicate the eastern portion of “Lot C” as generally described above, as a separate city greenbelt parcel on the Final Planned Development and Final Map. The northern portion of “Lot C” shall be identified on the Final Planned Development and Final Map as private open space. This area shall be owned and maintained by the HOA.**

*Lot N / Mini Park.* The applicant proposes Lot N as mini-park located at the entrance of the development. The mini park would incorporate two large existing oak trees into the area, and include a gathering structure proposed for community use. Staff supports the use of open space throughout the project, and in particular finds this an attractive and key amenity. However, in terms of defining this area, which was initially proposed by the applicant as greenbelt, staff finds that the parcel is an insulated parcel that provides outdoor space and amenities within the development, but no greenbelt connectivity. Staff does not believe this area is acceptable as city greenbelt.

In terms of the ‘mini-park’ concept, at the onset of this project staff made clear to that the applicant that the city did not support a park within the development. The city does not desire a new park in this area; there are three existing parks within a half-mile radius of the site (Slide Hill, Chestnut, Mace Ranch Park). The city does not wish to own and maintain the park or the gathering structure, nor has the funding to do so. Staff does not oppose community use of the area, but this would be at the discretion of the HOA who be responsible for ownership, liability, and maintenance of the private open space and gathering structure.

#### **Applicant Response / Lot N**

The applicant has prepared an alternate proposal for consideration should the Lot N not be accepted as city owned property. (“Concept A”, Attachment 13). The plan would shift Road 2 and lots 21-40 to the south by approximately 20 feet and subsequently narrow Lot N by the same footage. The north property lines for Lots 86, 87, 88 and the northeast portion of the accepted city greenbelt would be extended north 9’4”. The north buffer would continue to meet the required 50 foot width at these locations. The west property line of Lot 6 would be shifted 8 feet, making Lot 6 forty feet wide. These modifications will reduce the burden to the HOA and shift ownership and maintenance responsibilities to the respective lot owners. The proposed modification to “Lot N” would also add driveways to the homes on lots 48-57 providing additional on-site parking for residents. One on-street parking space would be lost resulting in a net gain of 18-19 parking spaces on site.

*Staff does not oppose the reconfiguration of the parcel N. Given that approximately 30 percent of the development that is proposed as private and public open space, ample open space would remain. Staff believes that the shift in Lot N as described above would not be significant.*

**Staff recommends that Lot N, as modified, be identified as private open space on the Final Planned Development and**

**Final Map. This area, including the gathering structure, trees, and all other amenities or features within Lot N shall be owned and maintained by the HOA.**

*Lot P*

Lot P is a small parcel intended and appropriate for landscaping at the southeast entrance to the project. Staff does believe this parcel should be accepted as city greenbelt.

**Staff recommends that Lot P be identified as private open space on the Final Planned Development and Final Map. This area shall be owned and maintained by the HOA.**

*Greenbelt / Consistency with General Plan*

The Chiles Ranch subdivision proposes 15 percent greenbelt. As recommended by staff, the project would provide 6 percent greenbelt which would not meet the minimum 10 percent or the average 100 feet width required under the General Plan. Given that this is an infill site, it is practically infeasible to provide the average 100 feet greenbelt width and still design an acceptable residential density for the site. The General Plan policy is intended to address larger development projects where entire new pathways are created. In fill projects, such as this and Verona, serve more as a “connector” of existing developed areas. Staff is in the process of developing General Plan policy to specifically address the unique circumstances of infill sites. Staff believes that flexibility is necessary and appropriate for smaller infill sites. Other subdivisions such as Glacier Place, Cassel Lane, and Verona were approved without providing the minimum 10 percent greenbelt or the 100 feet average width.

In other recent projects, such as Verona, the maximum amount of greenbelt recommended by staff and supported by City Council was 10 percent of the site. As noted, staff considered accepting the north buffer as greenbelt if a connection through the cemetery could be provided. This would have increased the acceptable greenbelt area from 6 percent to 11 percent, which staff believes would be a reasonable amount of greenbelt to maintain, even if slightly over the minimum required in the General Plan. Staff does not support a larger greenbelt or the associated maintenance costs for the project.

2. Delineation of Public vs. Private Space

The applicant has proposed, and staff recommends, that the east side property lines on the six lots located on the east greenbelt be increased from zero feet to three feet, three inches. The applicant has proposed the change for aesthetic reasons. The building code does not permit openings (windows) on zero lot lines. The minimum distance to permit openings between a dwelling and the property line is three feet, three inches. The applicant is requesting a modification to the east side yard property line to accommodate windows for light and ventilation, and to improve the exterior appearance of the building. Although staff agrees that the appearance of the dwelling would be improved with windows, staff has a more significant reason for increasing the side yard setback.

Staff is recommending that the property lines be increased as proposed. The primary purpose would be to allow enough room to install fencing on the private lots in order to provide delineation between city and private property. Staff’s concern is that if the east greenbelt directly abuts private dwellings without fencing, problems would be created for the city. These could range from the inability of city staff to maneuver maintenance equipment; crews potential damage to the exterior of the structure during maintenance; complaints about privacy as the public and/or city crews access the greenbelt for maintenance or recreational purposes; and potential noise from activity in the greenbelt directly impacting inhabitants of the dwelling. Fencing would also provide a sense of privacy to the resident of the dwellings located on the greenbelt.

Fencing installed on a zero property line would be located on city property, which would create other problems. For example, if homeowners needed to paint or repair the side of their homes they would likely encroach onto the greenbelt with ladders or other equipment, which would be a liability issue for the city. (This would be the case even if fencing was not installed). The city would not own the fence, nor would we want to, but homeowners would have the expectation that repair and maintenance would be the responsibility of the city to because the fence would be on city property.

The concept of revising the lot line was raised at the neighborhood meeting held on December 4, 2008. The neighbors were adamantly opposed to the change based on the contents of the MOU between the neighbors and applicant which provided a fifty foot buffer on the east greenbelt, consistent with Council direction. The neighbors believe that the buffer should be a full fifty feet of greenbelt. Staff understands the neighbors’ response, but we believe these are practical implications that must be dealt with to satisfy staff’s concerns. It is staff who is driving the change, but the perception is that the applicant has misled the neighbors. The distance from property line to property line would be reduced from 50 to 46.9 feet, the buffer as measured from dwelling to dwelling would not change; the location of the dwellings would not change; the homes would not become larger.

Even with a shift in the property line, the distance between the side of the new dwellings and the rear of the existing dwellings would be a total of nearly 66.9 feet (with the exception of three lots on Mesquite Drive who have second units located at the rear property line). Staff does not find the 3.3 foot shift significant, and believes that the installation of the fencing would not be a detriment to the existing homes. The renderings on the following page provide perspectives of the dwellings with side yard property lines located on the east greenbelt at 3 feet 3 inches, and at a zero property line.

Staff notes that other four other dwellings within the development (lots 1-4) not located on a greenbelt, would also be shifted from a zero side property lines to 3 feet 3 inches on either the west or east side. The primary reason for the shift on Lot 1 would be to address concerns from the property owners residing in the home immediately adjacent to the west side of the site on E.

Eighth Street. A buffer similar or equal to that provided between existing and new homes on the north and east side of the site is desired. The shift would be slight, but overall a distance of 43 feet would be provided between the existing house and new home. The shift from a zero side property on the four lots would allow for installation of windows to improve the appearance of the dwelling and provide light and ventilation. The changes would not affect any existing dwellings.

**Staff recommends that the east property line located on the greenbelt be increased from zero to three feet, three inches. The change would be reflected on the corresponding lots on the on Final Map. Staff recommends conditions of approval that would prohibit accessory structures, sheds, storage or clutter in the side yards if enlarged. Project CC&Rs would be required to provide provisions to ensure compliance.**

**Staff also recommends that and the west property lines on Lots 1 and 2, and the east side property lines on Lots 3 and 4, be increased from zero to three feet, three inches. The change would be reflected on the Final Map.**



**East Property Line at 3'.3" with Fencing**



**Perspective 1 Showing East Property Line at Zero without Fencing**  
**Perspective 2 Showing East Property Line at 3'3" with Fencing**

### 3. Second Dwelling Units

The project proposal would provide twenty-one dwellings with conditioned space above the detached garage. The space would be a fifth bedroom (or den/media room/game room, etc) or a second dwelling unit. The application proposes a breakdown of 11 dwellings constructed with a second dwelling unit and 11 dwellings constructed with an additional bedroom. Staff finds this consistent with two key General Plan housing policies:

- *Promote adequate housing opportunities for people of all ages, incomes, lifestyles and types of households (Housing Goal 1)*
- *Require a mix of housing types, densities, prices and rents, and designs in each new development area. (Land Use and Growth Management Policy LU.3)*

Other applicable policies encourage housing for students, seniors and rental housing to meet the needs of all renters. In staff opinion, the inclusion of the second units should not necessarily be limited 11 dwellings. As a comparison, Aggie Village though smaller, has a total of 54 units; 21 with an attached second dwelling unit. Aggie Village is located in the core area, where parking is at a premium limited. The Chiles Ranch proposes a minimum of two and up to four on-site parking spaces for each unit, regardless of whether or not includes a second dwelling unit.

The Sunrise Neighborhood does not consider the second dwelling units appropriate as they were not discussed at the time the MOU was signed in June 2008. Although the development concept and site plan layout were in the final stages at that point, the building plans and elevations were not. The applicant submitted plans to the city in September 2008 that included the second dwelling units as part of the final building design. The concept was presented at the neighborhood meeting in December 2008. The concern among the neighbors is twofold: 1) this was new information present to them after the MOU was signed; and 2) the inclusion of second units significantly increases the density.

Second dwelling units are not included when calculating density, but more people in one area can impact a development.

Generally, if impacts occur as a result of a second unit located in any part of the city, it is typically related to parking. This is a significant issue for the adjacent residents who believe that the site does not provide adequate parking, even without the extra units. There is concern that Chiles Ranch residents would park on their streets. Staff notes that the development would meet the city's required number of parking spaces for single family zoning. The applicant has not requested a deviation from this standard. In addition to the standard number of parking spaces, the zoning also requires one extra on-site parking space for each dwelling with an additional bedroom or second dwelling unit. The additional parking requirement is the same for either use.

Visitor parking would be available on the street. Staff believes that if parking impacts occur, it would likely be within the development itself. Generally residents do not want to park in another neighborhood and walk to their homes.

Staff believes the applicant has adequately addressed the parking issue and the project would be within the density recommended by the City Council. Even if the units were counted, the density would be 10.66 units per gross acre, which is only slightly above the recommended density.

**Staff recommends that the Planning Commission allow flexibility for the applicant to increase the number of second dwelling units to be constructed within the development from 11 units up to 21 units.**

## **Project Data**

### **Applicant / Property Owner:**

New Urban Development, LLC  
c/o Don Fouts and Steve Sherman  
1930 E. Eighth Street, Suite 100  
Davis, CA 95616

### **Project Location:**

2411 E. Eighth Street, and the abutting parcel to the east (west of Mesquite Drive), and the abutting parcel to the south (north of E. Eighth Street). Assessor's Parcel Numbers: 71-020-15; 71-401-02, 71-401-03

### **Existing General Plan Land Use:**

Residential Low-Density

### **Proposed General Plan Land Use:**

Residential Medium-Density

### **Current Zoning:**

Agriculture (A); and Residential one and Two single Family (R-2)

### **Proposed Zoning**

PD #8-07, Residential Uses

### **Lot Sizes:**

.846 acres (37,635.84 square feet); 4.911 acres (213,923.16 square feet); 6.313 acres (274,994.28 square feet)

### **Existing Uses:**

Vacant

### **Adjacent Zoning and Land Use:**

North and East: R-1-6, single family residential; single family dwellings  
West: Davis Cemetery District; cemetery  
South: E. Eighth Street; R-2, one and two family residential uses; duplexes; and PD #1-89, multi-family uses; apartments

## **Environmental Determination**

An Initial Study (Attachment 24) has been completed for the project to evaluate potential impacts associated with the residential development of the subject site. It reveals that an Environmental Impact Report is not warranted. The recommended mitigation measures and conditions of approval will reduce any impacts associated with this project to less than significant levels. Standard city mitigation measures, including applicable mitigation measures from General Plan EIRs would also be applicable to the project. Negative Declaration #1-08 has been prepared for the project.

## **Traffic**

A Traffic Impact Analysis was prepared for the project by *KD Anderson & Associates* in October 2008. The study was conducted at the beginning of the new school year 2008-09 to ensure that the highest potential traffic volumes in the vicinity of the project were captured and analyzed in the report. The study area is shown in Attachment 25. The study stated that the proposed project plus exist conditions would have no potential for significant net new impacts on traffic. Trips generated (volume) and Levels of Service (LOS) intersections would continue to operate above the city's General Plan level of service thresholds. The study recommended that the project design the confluence between the pedestrian / bike pathway at the east side of the site and E. Eighth Street so that bicycle traffic exiting from the pathway stops prior to entering E. Eighth Street. The study also recommended consideration of treatments such as speed tables to slow vehicles, or curbs extensions to narrow the roadway at the southeast intersection (tee in the road) so that motorists would not become complacent at this point and turn without observing bicycles and pedestrians. The applicant has incorporated these recommendations into the site plan design submitted for the project.

Based on the City of Davis 2015 General Plan daily traffic model (which identifies the Chiles Ranch site as agricultural use), the future growth of Davis will increase traffic along the study area roadways. The level of service (LOS) at the intersection of Pena Drive / Second Street will decline to unacceptable level LOS F, unless mitigated (signalization or roundabout recommended). The addition of the Chiles Ranch development would incrementally add to LOS at the intersection, but would be insignificant. The project's fair share to mitigate future impacts would be met through roadway impact fees. The remaining intersections will continue to operate above the City LOS threshold. Roadway levels of service (volume) will operate above the City's LOS E threshold.

Staff notes that neighborhood residents have expressed concerns regarding existing vehicle speeding on E. Eighth Street and the potential increase in speeding vehicles generated by the proposed project. The *KD Anderson & Associates* traffic report did not recommend traffic calming mitigations related to speeding for existing or existing plus project conditions.

Resident issues included concerns about existing speeding conditions on E. Eighth Street. Staff notes that the traffic generated from the project itself would actually contribute to traffic calming as adding more volume to a street generally serves to reduce speeds. Given resident concerns, in addition to the data compiled in the *KD Anderson & Associates* study, the city independently collected speed data in November 2008 in the project vicinity along E. Eighth Street between North Diameter and Mesquite Drive. Results showed critical speeds of 32 miles per hour, which does not warrant traffic calming measures. (Critical speed is the speed that 85% of the drivers drive at or below. The posted speed limit on E. Eighth Street is 25 miles per hour.) Although not required by the city, the applicant proposes to work with the city to install traffic calming measures along E. Eighth Street in the project vicinity, as feasible. One option could be speed boxes (a radar controlled device mounted to a utility pole that flashes the car speed as the approach the box). Speed boxes are effective traffic calming tools in slowing vehicle speed and a few have been used in the city. Another option may be speed tables which provide a physical barrier. Staff notes that speed tables installed on Oak Avenue have reduced vehicle speeds from approximately 33 miles per hour to approximately 27 miles per hour, which would be the anticipated impact of speed tables on E. Eighth Street. Final determination of method(s) and placement(s) of potential traffic calming measures

would be subject to review and approval of the Public Works Department.

### **Public Noticing**

Public Hearing Notices and Notices of Availability for the Initial Study for this meeting were sent to all property owners within a 500 foot radius of the subject site and were published in The Davis Enterprise. The 500 foot radius was measured from the each edge of the subject site (N, S, E and W) to ensure that the maximum members of the public received notice of the meeting. Notices were also sent to the property owners within the Sunrise Neighborhood Association boundaries. To date no comments have been comments have been received.

### **Community Meetings**

As part of the SACOG process, community outreach meeting were held on September 17, 18, 20, and November 3, 2007. The meetings were conducted by the consultants to engage the public in providing input on potential site plan development and to solicit feedback on the preliminary and final concept plans created during the process.

### **Neighborhood Noticing and Neighborhood Meetings**

On December 5, 2008 the city conducted a neighborhood meeting to provide information on the project proposal and solicit feedback on the final plan submitted by the applicant. The noticing area for the neighborhood meeting was the same as for the Public Hearing Notice noted above.

Approximately 25 members of the public attended the meeting. Meeting minutes are provided in Attachment 20.

### **Project Analysis**

#### **Infill Development**

The City General Plan defines infill as “urban development or redevelopment on vacant or “underutilized” urban-designated land within a city’s boundaries, as an alternative to accommodating growth through expansions of city boundaries. Staff believes that the proposed subdivision is an appropriate project consistent with the General Plan policies for infill development and that the project would result in an effective utilization of the land. Interim Infill Guidelines which staff finds relevant to the proposed project are provided in Attachment 15. A table demonstrating consistency with the city’s Interim Infill Guidelines has been provided by the applicant in Attachment 16.

#### **General Plan Consistency**

The proposal is to allow a General Plan Land Use change from Residential Low-Density to Residential Medium-Density to develop a 108 unit residential subdivision on 12.1 gross acres. The unadjusted gross density of the proposal is 8.93 units per acre. This is within the range of the requested General Plan land use designation of Residential Medium-Density. However, the General Plan Policy Interpretation excludes the required acreage for neighborhood greenbelt and parkland dedication from the density calculation. Thus, the site’s “adjusted” acreage for density calculation without the proposed greenbelt and mini-park proposed by the applicant would be 9.87. The adjusted gross density for the project excluding the greenbelt area recommended by staff would be 9.47. Under the proposed General Plan amendment, the project (under either density) would be consistent with the General Plan medium density land use designation of 4.80-13.99 units per gross acre, or up to 169 dwelling units. The proposed density of the project proposal would be consistent with the surrounding neighborhoods of single family dwellings, one and two family attached dwellings, and multi-family uses, with a mix of densities ranging from low to high.

Staff believes that the proposed project 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. Applicable General Plan policies identified by staff are provided in Attachment 17. A table demonstrating General Plan Consistency has been provided by the applicant in Attachment 18.

**Development Agreement.** A Development Agreement provides a vested right for the development of an approved project. Any city, county, or city and county, may enter into a development agreement with any person having a legal or equitable interest in real property for the development of the property pursuant to Gov’t Code § 65864 *et. seq.* A development agreement does not require a nexus with project impacts because they serve as voluntary alternative to normal regulations. The Development Agreement for the Chiles Ranch contains several main elements regarding provisions for climate change; payment of supplemental fees for market rate units; tree mitigation; park in-lieu fees, architectural diversity, and timing of payment of project impact fees.

In addition to the above and payment of all city fees required to be paid for development of the parcel, the Developer agrees to full compliance without limitation to ordinances, rules, and regulations and polices in effect at the date of the tentative subdivision map for the parcel, including but not limited to affordable housing ordinances, greenbelt/open space dedication and/or in-lieu fee payment at the city’s sole discretion. The Development Agreement Ordinance and draft Development Agreement are provided in Attachments 3 and 4.

#### **Tentative Subdivision Map**

The Tentative Subdivision Map application proposes to merge and re-subdivide three vacant parcel located at 2411 E. Eighth Street for the creation of a residential subdivision of 108 single family lots, and street, common space, private drive, public street and greenbelt parcels. . Sections 36.04.010 through 36.04.130 of the Subdivision Ordinance contain the requirements for a tentative map for division of land into five or more parcels. The Planning Commission is authorized by the Subdivision Ordinance to make its recommendation to the City Council. Given that this project involves concurrent applications’ processing the City Council is the

approving body. The City Council is required by the ordinance to approve or conditionally approve a tentative map upon making a finding that the proposed subdivision together with the provisions for its design and improvement is consistent with the General Plan and all applicable provisions of the Subdivision Ordinance.

The most significant issues related to the tentative map are the areas proposed as city greenbelt and mini-park by the applicant. As recommended by staff, the Final map shall be revised to identify the city greenbelt proposed by the applicant as "Lot C" as a separate parcel. Conditions of approval have been incorporated to ensure that the greenbelt and bike paths shall be designed and installed to city standards. The remaining open space on the site shall be identified on the tentative map as common open space to be owned, developed and maintained by the developer or Homeowner's Association.

Staff has not identified any other issues related to the map application and recommends approval of the Tentative Subdivision Map. Provisions including, but not limited to use, maintenance, repair, and replacement of the private street, alley, common area shall be subject to the review and approval of the City engineer and/or City Attorney. Easement and maintenance agreement provisions shall record concurrently with the Final Map of this subdivision and shall run with the land.

### **Planned Development Ordinance**

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.

The Zoning Ordinance states that the purpose of the Planned Development District (Section 40.22.010) is to allow diversification in the relationship of various buildings, structures, lot sizes, and open spaces in order to be relieved from the rigid standards of the conventional zoning. A planned development district shall comply with the regulations and provisions of the general plan, and the following key criteria:

- *Provide housing for persons of low, moderate and high income levels.*
- *Provide a mix of housing styles and costs.*
- *Provide creative approaches in the development of the land in an efficient and desirable use of open space; provide variety in the physical development pattern of the city.*

The applicant is proposing to construct a development with a mix of traditional detached single family homes and attached units on a range of lot sizes. The project also includes condominium units. Staff believes the proposal is an efficient use of the land. The site is designed creatively with a combination of typical residential patterns with homes facing the street, and with more dense housing in the middle of the site located around common open space. The proposed subdivision will allow for diversification in the relationship of various buildings, structures and open spaces on the site and in the surrounding area.

The proposed Preliminary Planned Development #8-07 (Attachment 2) would apply to the 108 residential parcels within the subdivision. Underlying uses would be consistent with the R-1-6 (Residential One-Family) Zoning District. Staff believes that the proposed project, as conditioned, would comply with the stated purposes of the Planned Development (P-D) District. The Preliminary Planned Development, if approved by the City Council, would become part of the city's zoning map in conformance with city code section 40.22.060(a).

### **Final Planned Development**

The Zoning Ordinance states that the purpose of the Planned Development District is to allow diversification in the relationship of various buildings, structures and open spaces in order to be relieved from the rigid standards of the conventional zoning. The proposed new P-D requests deviations from conventional base zoning yard setbacks, usable open spaces, lot area, lot width, lot coverage and floor area ratio requirements in order to develop a unique residential project, park and greenbelt. The development would be similar with the existing area and land uses in terms of building size and height, parking standards and open space amenities, and would be compatible with surrounding densities. The FPD map the following page illustrates lot and building footprints; proposed greenbelt and park area; common open space; and street and alley circulation patterns that would be established under the proposed planned development.

A Final Planned Development shall provide a residential environment of sustained stability in harmony with the character of the surrounding neighborhood (Section 40.22.110(c)). Staff believes that the planned development and project design have been developed to allow for deviation of the R-1-6 standards while ensuring overall compatibility with the surrounding neighborhood. The P-D ordinance calls for the development of sound housing for persons of varying income levels, creative approaches to developing land, the efficient use of land, and variety in the physical development pattern of the city. Staff believes that the proposed subdivision would successfully achieve these goals. The proposed Final Planned Development would be fully consistent with the requirements of Preliminary Planned Development #8-07. Amendments to the established standards would require a Revised Final Planned Development which would be subject to review and approval by the Planning Commission.

Staff finds that the deviations proposed under the Planned Development are justified in that:

- The project conforms to the General Plan and is consistent with policies that encourage infill within the city limits.
- The project is compatible with the character of the surrounding neighborhood.
- No negative environmental impacts are associated with the project.

- The proposed buildings setbacks would not create privacy impacts on existing adjacent properties.
- The project would add to the variety of housing types in the area.
- The project would provide a minimum of two parking spaces for each dwelling
- The project would provide for-sale single family housing opportunities for various income levels.

Staff is recommending approval of final development standards for the project as shown in Table 1 and Table 2. Because the project proposes numerous architectural plans, the standards for each lot would vary minimally, but would be different. Therefore, typical standards proposed for each “Plan” within the development are shown. A full size matrix detailing the proposed standards for each individual residential lot has been provided to the Planning Commission. Future amendments to the proposed standards would require a revised Final Planned Development which would be subject to review and approval by the Planning Commission.

**Table 1. Zoning for Single Family Dwellings**

	<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	Ranging from 5,715 sq. ft. to 2,032 sq. ft.	Yes, under PD
<b>Lot Width</b>	65 feet corner lot 55 feet interior lot	Ranging from 35 feet to 50 feet <sup>7</sup>	Yes, under PD
<b>Building Setbacks</b> <i>1<sup>st</sup> Story 1<sup>st</sup> story</i> Front: 20 feet Sides: 5 feet/ 7 feet Rear: 20 feet <i>2<sup>nd</sup> Story</i> Front: 20 feet Sides: 10 feet Rear: 25 feet	<u><b>Eighth Street Plan</b></u> <i>1<sup>st</sup> story</i> Front: 20 feet Sides: 5 feet / 3 feet <sup>1</sup> Rear: 37 feet <i>2<sup>nd</sup> Story</i> Front: 20 feet Side: 5 feet / 3 feet Rear: 37 feet  <u><b>Alley Plan</b></u> <i>1<sup>st</sup> story</i> Front: 3 feet Side: 5 feet / 0 feet <sup>1</sup> Rear: 32 feet-34 feet <i>2<sup>nd</sup> Story</i> Front: 3 feet Side: 5 feet / 0 feet Rear: 32 feet-34 feet  <u><b>One and A-Half Story Plan</b></u> <i>1<sup>st</sup> story</i> Front: 3 Side: 5 feet / 0 feet Rear: 10 feet <i>2<sup>nd</sup> Story</i> Front: 20 feet Side: 5 feet / 0 feet Rear: 14 feet-18 feet	<u><b>Cluster Plan</b></u> <i>1<sup>st</sup> story</i> Front: 10 feet-20 feet Sides: 5 feet / 0 Rear: 3 feet <i>2<sup>nd</sup> Story</i> Front: 10 feet-20 feet Side: 5 feet / 0 feet Rear: 5 feet  <u><b>Duplex Plan</b></u> <i>1<sup>st</sup> story</i> Front: 3 feet Side: 5 feet/ 3 feet <sup>1</sup> Rear: 20 feet - 40 feet <i>2<sup>nd</sup> Story</i> Front: 3 feet Side: 5 feet / 0 feet Rear: 20 feet – 40 feet  <u><b>Single Story Plan</b></u> Front: 3 feet Side: 5 feet/ 3 feet Rear: 10 feet	Yes, under PD
<b>Usable open space</b>	20% minimum	Ranging from 25% to 50%	Yes, under PD <sup>2</sup>
<b>Floor Area Ratio</b>	Up to 40% (plus up to 500 sq. ft. for garage)	Ranging from 40% to 90%	Yes, under PD
<b>Lot Coverage</b>	40% maximum	Ranging from 30% to 70%	Yes, under PD
<b>Building Height</b>	30 feet / 2 stories maximum	One story: 24 feet 1-1/2 to 2 stories: 28 feet 2 story: 30 feet	Yes
<b>Parking spaces</b>	2 spaces for dwelling with four or fewer bedrooms  1 additional space for each bedroom over four	2 spaces for dwellings with four or fewer bedrooms.  1 additional space for each dwelling with fifth	Yes  Yes

	or second dwelling unit.	bedroom or second dwelling unit.	
--	--------------------------	----------------------------------	--

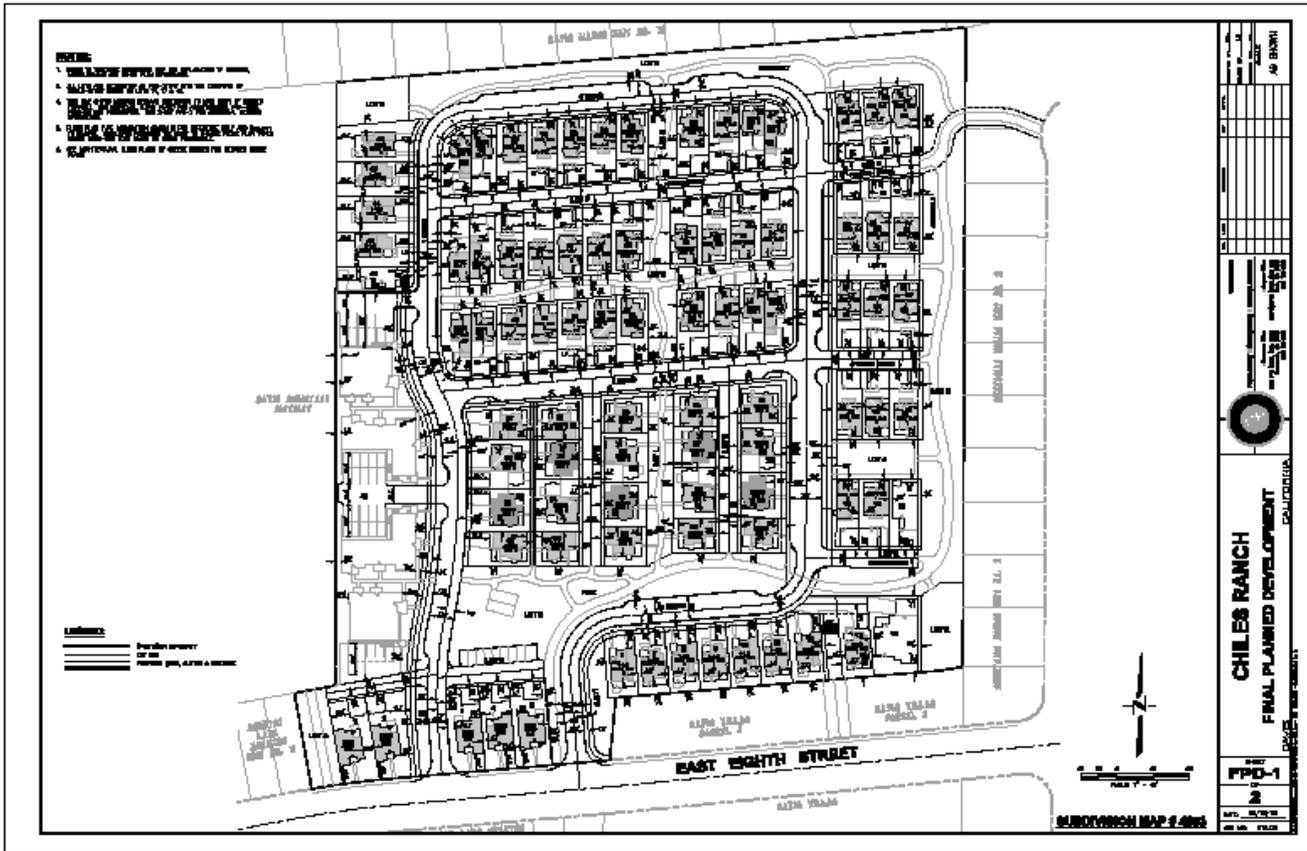
<sup>1</sup> Garage Setback 3 feet

<sup>2</sup> Usable open space defined as lot area, minus building footprint minus paved parking areas.

**Table 2. Zoning for Multi-family Units (Condominium Units)**

	<b>Standard R-3-M</b>	<b>Proposed Standard</b>	<b>Compliance</b>
<b>Lot Area</b>	7,500 square feet	41,528 square feet	Yes
<b>Lot Width</b>	75 feet	67 feet	Yes, under PD
<b>Building Setbacks</b> <i>1<sup>st</sup> Story &amp; 2<sup>nd</sup> Story</i> Front Sides Rear	20 feet 6 feet side / total 18' 15 feet	Front: 7 feet Sides: 35 feet / 45 feet Rear: 5 feet	Yes, under PD
<b>Usable open space</b>	650 sf for each 2 bedroom unit (13,000 square feet)	14,534 square feet provided (35%)	Yes
<b>Floor Area Ratio</b>	N/A		
<b>Lot Coverage</b>	40%	50%	Yes, under PD
<b>Building Height</b>	38 feet / 2 stories	24 feet / 2 stories	Yes
<b>Parking spaces</b>	2 spaces per dwelling unit, covered or uncovered	2 spaces per unit. (one covered space provided in carport & 1 uncovered space in tandem configuration)	Yes

Chiles Ranch Subdivision Final Planned Development Map



*Site Plan.* The Chiles Ranch subdivision would include residential development around a central loop street and private drives. The development would provide a mix of one, one and-a-half, and two story homes, intended to provide “like to like” housing near existing homes. The one and a-half story models would be located along E. Eighth Street to complement the existing streetscape which includes single duplexes and two story apartment complexes. Four other one and a-half story models would be located along the cemetery border, along the west edge of the property. The interior of the site would feature landscaped and open space areas with pedestrian pathways and resident gardens. Primary vehicular access would be two entrances located off E. Eighth Street. Textured pavement is proposed at the main project entrance. An open space area with two large oak trees and a gathering structure would provide an aesthetically pleasing view at the entrances. The applicant proposes this area as mini-park to be dedicated to the city. Street bicycle lanes surround the project on E. Eighth Street. The project would be served by both Yolo bus and Unitrans.

*Street Circulation.* The project provides for primary access from two entries located off E. Eighth Street. A secondary access for emergency use only would be available at the northeast corner of the site via a new bike path connection Wellesley Avenue. This was a key component of the Fire Department’s support for the project in the event that a situation arose where E. 8<sup>th</sup> Street was not accessible for ingress of emergency vehicles and/or egress for resident vehicles. Circulation within the site would be in both directions around the private street, and in both directions through the public street. Access to a number of detached garages would be from private drives. The public street would range in width from 20 feet to 34 feet. For emergency access, Fire requires a minimum street width of 20, and a minimum width of 16 feet on the private drives. Parking would be permitted on one side of the street in some areas, and on both sides of the street in other areas. The alleys would be 21 feet side; parking on alley would not be permitted. Enforcement would be the responsibility of the HOA. Planning, Public Works, Fire and Police staff have reviewed the circulation plan and find it acceptable, as conditioned.

*Lot Area and Width.* The R-1-6 zoning standards require a minimum lot size of 6,000 square feet interior lot and 7,000 square feet corner lot. Minimum width standard is 55 feet interior lot; 65 feet corner lot. Historically the city has permitted small lot area and lot width in planned development districts in order to achieve innovative and unique development projects. City policies and goals support densification through infill to preserve existing city borders. Staff believes that smaller lots would contribute to a clustered and compact project that would provide a variety of housing types and sizes, with ample areas of common usable open space within the development.

*Setbacks.* The building setbacks are necessary for the proposed development to occur. The site layout and building designs have taken this factor into consideration. Staff believes the impacts from reduced setbacks would not be significant. The development proposes usable open space and an attractive streetscape. Front yards would be located along the public street, or oriented toward common open space or clustered courtyards. The site is designed so that no rear yards would abut any other rear yard, either within the new development, or existing dwellings, thereby ensuring privacy. Reduced side yard setbacks between buildings would be addressed through window placement and site layout. Where windows would face adjacent properties the house plan would vary so that windows are not in alignment. Reduced yard setbacks within the development would not impact existing properties. Buffering would be provided between new and existing properties along the north and east edges of the site to ensure adequate separation of structures.

*Usable Open Space.* Required usable open space is 20 percent of the area of the lot. The open space calculation includes areas with a minimum dimension of twelve feet by twelve feet, not counting required front yard or paved parking areas. Some lots in the proposed development would not meet the strict application of useable open space. The PD proposes including the front yards and all landscaped areas on the interior lots as usable open space. Under this proposal, open space would range from 25 percent to 50 percent. Staff believes that although the lots provide less than the traditional open space, adequate space for outdoor use is provided on the lot. In addition, the development provides ample common open space and gardens for residents to use and enjoy.

*Floor Area Ratio.* The underlying zoning for the planned development would be single family residential, subject to the maximum R-1 standard of 40%. The project proposes floor area ratios ranging from 40% to 90%. The proposed FAR would not be inconsistent with other medium density developments in the city. The purpose of the floor area ratio standard is to discourage the overdevelopment of lots with large houses. As discussed previously, the development proposes modest size homes on small lots to maximize common open space.

*Lot Coverage.* A significant deviation would be in lot coverage requested. In some developments, excess lot coverage results when the square footage of the house is maximized. In this development, the site is designed with small to medium size dwellings to maximum the amenity of common open space throughout the site. The openness of the development is intended to create a sense of community that encourages the residences to interact with their neighbors. Given the uniqueness of the proposed project and the Residential Medium-Density designation, staff believes that the requested lot coverage deviation is appropriate.

*Building Height.* Maximum height would be consistent with R-1-6 standard which limits building height to two stories or 30 feet. Dwelling height would range from 24 to 30 feet.

*Future Changes.* Staff recommends that no building expansion be allowed under this Final Planned Development. The owner of any unit shall disclose this condition to future buyers prior to the sale.

*Parking Standards.* The project would provide on-site parking to meet city zoning standards. No deviations are requested.

Dwelling with four or fewer bedrooms, including the condominium units, require two on-site parking spaces. Parking would be accommodated in one or two-car garages, carport and uncovered spaces. The 21 dwellings proposed with a fifth bedroom or a second dwelling unit would require a minimum of three parking spaces. Garage, carports, and uncovered parking space dimensions shall be as shown on the Final Planned Development map. The parking exhibit is provided in Attachment 12.

*Product Placement.* The total number of each house plan constructed within the development shall be consistent with that shown on the Final Planned Development. A house plan change proposed on any lot shall be subject to review and approval by the Community Development Director. No more than two houses of the same plan shall be permitted to be located side by side. Exterior paint colors shall differ, and where possible exterior materials should vary. (FPD, DR)

*Garages.* Garage conversions (partial or whole) shall not be permitted under this Final Planned Development.

*Second Dwelling Units.* Eleven second dwelling units are proposed. As noted previously staff supports allowing additional second dwelling units in the initial construction should Planning Commission support it. Given the restriction of the conversion of garages under the Final PD, generally dwellings with habitable living space constructed above the garage would be permitted to convert the space to a second dwelling unit. Staff recommends that any conversion of above-garage space to a second dwelling unit not approve on the Final Planned Development Map shall require a Conditional Use Permit and Revised Final Planned Development.

*Waste Receptacles and Greenwaste.* Each single family unit lot would have an area designed for tote storage. Davis Waste Removal has reviewed the plan and stated that the substantial lengths of no parking areas on the public streets provided enough opportunities for placement and collection. DWR commented that the placement of garbage and recycling totes on the street at this site plan posed no more an issue than many other neighborhoods in town. DWR has found that residents figure out what works best in their neighborhood, and if there are not enough open street parking spots for totes on a particular day, people place them between the cars. DWR has become used to these tight conditions, especially in Old North Davis, downtown and other dense neighborhoods.

*Utilities.* During the SACOG concept review process, the Council requested that the applicant pursue the possibility of undergrounding the existing utilities on the north edge of the site. The site was surveyed and showed that there is an existing public utility easement containing six power poles located behind the fences of the existing homes on Regis Drive. The easement belongs to the Regis property owners and the power poles are not located on the Chiles Ranch property. Originally the developers anticipated drawing some power for the development from the existing power poles located in the easement. However, in consultation with PG&E, it was determined that the project could be served solely from an underground connection via E. Eighth Street. All utilities associated with the project would be undergrounded. Under the city's Municipal Code (Section 36.09.020(g)(1)) the project would not require undergrounding, nor payment of fees in-lieu of undergrounding existing utilities.

*Fencing.* The applicant proposes to install all fencing within the development. New fencing along the north and east edges of the property would replace the existing fences of abutting homes at no cost to the homeowners. Developer shall submit fencing plan and fence details prior to issuance of building permits. All fencing and walls shall be on private property, and shall be the responsibility of the abutting property owner and/or the HOA. Conditions of approval related to fencing are provided in the Findings and Conditions of Approval. The following shall be required:

- *Plan.* A master fencing plan is required to be submitted by the developer showing the design, material, height and location of all fencing.
- *Greenbelt.* Fencing design, material and construction details shall be subject to Parks and General Services review and approval. HOA shall maintain all such fencing.
- *Greenbelt Fence Modification.* All fence and gate modifications, and/or installation of a gate in a fence along a public greenbelt or park or street shall be subject to review and approval, in writing, by the Parks and General Services Superintendent or his/her designee and shall comply with the city's Park and Greenbelt Gate and Fence Guidelines
- *Residential Fencing.* Fencing shall conform to the City of Davis Standard Fence, Wall and Hedge requirements.
- *Common Area Fencing.* Fencing shall be installed in substantial conformance to the fencing plan to be provided. The HOA shall own and be responsible for maintenance and repair of all common area fencing.

*Greenbelt/Buffer.* The greenbelt and buffer would be installed in two phases, consistent with the construction phasing. A portion of the east greenbelt would be installed in the first phase, beginning at the Phase I line shown on the tentative map, and south to E. Eighth Street. The bicycle path and emergency fire lane access located in the northeast corner of the site, located north of the Phase I line, would also be installed in the first phase. The north buffer and the remainder of the east greenbelt would be improved in Phase II. The project would be conditioned to install greenbelt / buffer prior to issuance of first Certificate of Occupancy for a residential unit in each phase.

*Covenants Codes and Restrictions.* A detailed set of CC&Rs shall be drafted by the applicant and submitted for review and approval by the Community Development Department and the City Attorney, including but not limited to explicit use, maintenance and repair, replacement of private street, alleys, common area, easement; and utilities if located within the reciprocal access easement; methods and process for allocating and collecting costs associated with the maintenance, repair, and/or replacement of same. Issuance of building permits shall not be granted until the CC&Rs have been submitted in a form determined to be adequate by the city based on review by the Community Development Department and the City Attorney. Enforcement of the CC&Rs shall be the responsibility of the individual property owners via private proceedings.

### **Climate Change and Sustainability**

The Davis General Plan has for many decades provided policy direction and support for resource conservation, compact community design and energy efficiency. The city has adopted standard and guidelines to address local, regional and global climate change impacts of future development. The city also promotes smart growth principles to provide more livable communities and reverse the trend of urban sprawl through housing diversity; compact development; use of existing assets; natural resource protection, and quality design. The long-range goals and objectives for sustainability and smart growth initiated by the City Council address land-use policy through implementation of the Green Building Ordinance. In November 2008, and more recently in April 21, 2009, the City Council adopted resolutions establishing thresholds and standards for greenhouse gas emission reduction. The project would comply with the Green Building Ordinance and proposes a carbon reduction plan that would meet the greenhouse gas emission reduction standards.

The Chiles Ranch subdivision proposes the “green” features:

- Building design and performance exceeding Title 24 by a minimum of 35%
- Pre-wiring all homes for photovoltaics
- Installation of 37kW household photovoltaics within the development
- Meet percentage of yearly electric needs of new housing on site through installation of photovoltaics
- Bioswales installed in greenbelts and common area to direct and filter stormwater before release into city system.
- Encourage production of a percentage of food on site by providing common gardens for residents
- Minimum fifty percent drought tolerant landscaping for reduced water consumption
- Promote walking within the development through a series of interconnecting pedestrian paths
- Encourage alternative forms of transportation by providing street gutter modifications to accommodate potential future bus route
- Provide connectivity to existing greenbelt and bicycle paths
- Promote social and physical well being of residents through inclusion of pedestrian and outdoor open space amenities within the development to encourage walkability and interaction among neighbors
- Compact development with ample greenbelt and common open space

### **Affordable Housing Plan**

The city’s Affordable Housing Ordinance (Chapter 18.05 of the Municipal Code) requires off site land dedication to accommodate low and moderate income affordable housing in developments with more than 76 units. The land dedication required for this project would be 1.47 acres. The ordinance also permits a developer to submit for a “Project Individualized Plan” (PIP), which may include a proposal to provide all of the affordable units on site. The applicant has submitted such a plan. Staff is supportive of the plan given the small size of the land dedication that would be required, the limited funds available, and the length of time it could take to develop. The project would also supply for-sale housing which the neighbors support over affordable rental housing.

A total of 22 low/moderate income units are required for the project. The applicant proposes to meet the requirement by providing all of the affordable units on a single common parcel. The units would include 20 condominium located in four buildings, and two units located in an attached dwelling. A Project Individualized Plan for affordable housing is subject to city review by the Social Services Commission and subject to the requirements below:

#### *Affordable Housing Requirements.*

- 25% of the units to be constructed shall be low-moderate income units. It is estimated that for-sale housing prices would range from \$160,995 to \$264,863 for a two bedroom unit; and from \$178,198 to \$301,866 for a three bedroom unit. The pricing assumes \$50 monthly HOA. Affordable housing prices are based on the 2008 Yolo County Area Medium Income of \$71,000 (for a household of 4 people).

*Accessibility/Visitability.* Staff notes that through a Planned Development, the city may approve development with densities on any given parcel than higher than the otherwise allowable maximum density for a given area, provided that the overall density is consistent with the allowable density. Under this provision, the condominium parcel with the income units would be exempt from the visitability/accessibility requirement due to exceeding a density threshold of 1.25 units per net acre. However, the applicant proposes two visitable condominium units; nine accessible condominium units; and one fully accessible unit in the attached dwelling unit. The remaining low/moderate income units are on the second floor.

### **Social Services Commission Action**

The proposal was reviewed by the Social Services Commission on November 17, 2008. The Social Services Commission by a vote of 3-2 supported staff findings and conditions of approval recommended by staff as shown below. The two dissenting votes were due to the small amount of fully accessible units in the project. A memo containing the meeting summary and the staff report with full conditions is provided Attachment 23.

- Twenty-two low moderate income units shall be provided by the project.
- All units will be advertised and sold in accordance with the City’s Buyer Selection Guidelines.
- All unit sales prices will be adjusted downward from the City’s standard pricing in order to account for the project’s monthly Homeowner’s Association fees (approximately \$80-\$90 per month).
- Resale Restriction and Right of First Refusal Agreement recorded against all units upon initial sale.
- All units will be developed concurrently with the project’s market rate units. Certificates of occupancy will not be provided

until on the last twenty market rate units in the project until all low/moderate income units have been issued a Certificate of Occupancy.

- Resale of units will be administered under the City's Right of First Refusal Program.

The Social Services Commission further recommended that eleven lots, 6-12 and 43-46 provide an accessible path and entrance via the garage in lieu of an accessible path from sidewalk to front of the unit due to drainage requirements for the lots. These lots exceed the ADA slope for entry into the unit.

### **Applicant Response**

The applicant recognizes that the City Council has adopted a local policy that 100% of new market rate units be visitable. All units within the subdivision would provide visitability features with the exception of the ADA exterior path of travel on the eleven lots noted above. Five lots would have a single car garage. It would not be possible for a wheelchair to maneuver through the garage, around a parked car and into the house. It is possible that the other 5 lots, which would have a two-car garage, could provide a path of travel through the garage if only a single car was parked in it. The applicant's concern is that because the city's description of visitability refers to ADA standards for path of travel, the houses with the tandem garages and lots with steeper driveway slopes cannot be considered visitable in any manner. These homes would not meet the legal definition for visitability.

### **Design Review**

The Zoning Ordinance states that the purpose of the design review is "*a comprehensive site plan and architectural review so as to determine compliance with the Zoning Code and to promote the orderly and harmonious growth of the city and stability of land values and investments and its general welfare...*" The design review evaluates the siting, elevations, landscaping, and the overall appearance of a proposed project relative to compatibility with the existing neighborhood. Staff believes the proposed project site layout and amenities, building design, and landscaping would be compatible with the existing neighborhood and would enhance the character of the neighborhood. Exterior materials and colors are to be determined, but would be high quality, durable materials, with colors complementary to existing structures in the neighborhood. Final selection would be subject to staff review and approval.

*Building Design.* Dwelling would be a mix of attached, detached and condominium units. Twenty-one of the units would provide living space above a detached garage constructed as a fifth bedroom or second dwelling unit. Fifteen different complementary elevations are proposed to provide architectural diversity. Dwellings would contain two, three or four bedrooms; and one, one and a-half bath, or two and a-half baths. Single family units would include attached one or two-car garage. A carport would be provided for each condominium unit. Maximum building height would range from 24 feet to 30 feet. Building elevations are provided in Attachment 9.

Staff believes that the proposed elevations are acceptable as they complement the existing structures and uses in the neighborhood. Recommended conditions of approval will ensure that the proposed building elevations, materials and colors are carried out.

*Visitability and Accessibility.* The visitability and accessibility features for the affordable income units have been addressed. The market rate units would provide 62 first floor only accessible units; 2 single story accessible units; and 11 visitable units. As noted previously, the drainage constraints on some lots will require an accessible path and entrance via the garage in lieu of acceptable ADA accessible path from sidewalk to front of the unit.

*Landscaping.* The applicant shall install landscaping and irrigation for the project including common open space, private front yards, greenbelt and buffer as shown on the conceptual landscape plan. Landscaping would include trees, shrubs and ground cover. Final landscaping plan including tree and plant selection shall be subject to review of Planning and Parks department. A minimum of 50 percent of the landscaping will be drought tolerant. Landscaping, trees and irrigation installed within the common areas of the project by the developer shall be maintained by the Homeowners Association. The conceptual landscaping plan is provided in Attachment 10.

### **Conclusion**

Staff believes that the proposed project offers a compact development with variety of housing choices for a variety of lifestyles. The site design would offer a mix traditional detached homes, attached homes, and condominium in a variety of prices and sizes. Though compact, the dwellings are well situated. The development provides a sense of openness through placement of greenbelt, common open space, and gardens. Walking paths located throughout the site encourage interaction among residents, and front porches facing E. Eight Street provide a welcoming streetscape. Yards and common areas would be maintained by the HOA to ensure a neat, well maintained environment. The development would improve the appearance of the surrounding area by developing the unsightly vacant lot in a manner that respects the existing residential uses.

Staff believes the plan reflects a mix of features and characteristics desired by the neighbors, the developer, the community, and the city. Staff recommends approval of the project applications for the following reasons: (a) the use complement the existing neighborhood; (b) the mix of housing types, size and prices, including the affordable component, address the city's local and regional housing needs; (d) conditions of approval recommended for adoption will adequately address any concerns raised; (e) the uses and buildings will be compatible with existing uses and structures (f) the project as conditioned is consistent with city sustainability goals and objectives. Findings and Conditions of Approval for the requested entitlement applications are provided in Attachment 5.

### **Attachments**

1. Proposed General Plan Amendment Resolution
2. Proposed Zoning Ordinance Amendment, Preliminary Planned Development #8-07
3. Proposed Draft Development Agreement Ordinance
4. Draft Development Agreement
5. Recommended Findings and Conditions of Approval
6. Project Location
7. Applicant Narrative
8. Chiles Ranch Conceptual Layout
9. Building Elevations
10. Conceptual Landscaping Plan
11. Parking Exhibit
12. Chiles Ranch Carbon Reduction Proposal
13. Concept A Plan
14. Guiding Principals for Development of the Site
15. Applicable Interim Infill Guidelines
16. Applicant's Table Demonstrating Consistency with Interim Infill Guidelines
17. Applicable General Plan Policies I
18. Applicant's Table Demonstrating Consistency with General Plan Policies
19. Letter of Agreement Between New Urban Development and Sunrise Neighborhood Association, June 23, 2008
20. Neighborhood Meeting Minutes, December 4, 2008
21. Sunrise Neighborhood Associations Comments, May 22, 2009
22. Applicant Comments, May 12, 2009
23. Social Services Commission Meeting Memorandum, November 17, 2008
24. Initial Study
25. *KD Anderson & Associates*, Traffic Study Area, October 2008
26. Previous Correspondence

City of Davis Website: Proposed Chiles Ranch Subdivision

<http://cityofdavis.org/CDD/projects/Chiles-Ranch/documents.cfm>