

ATTACHMENT 1

RECOMMENDED FINDINGS

New Harmony Affordable Apartment Community PA#61-07 (FPD#07-07, TM#01-08, DR#27-07, MM#02-08)

FINDINGS:

1. **Timeliness.** The property owner can commence substantial construction within eighteen (18) months from the date of this final planned development approval and intends to complete the construction within a reasonable time frame. (FPD)
2. **Conformance.** The proposed development conforms to the General Plan in that it implements the General Plan land use designation for a high-density residential use development and contributes to infill housing within the city limits. (FPD)
3. **Appropriateness.** The residential development contributes to the mix of housing types within the district and is appropriate in area, location, and overall planning for the purpose intended and the design and development standards create an environment of sustained desirability and stability with the character of the surrounding neighborhood and such development shall meet performance standards established by the Planned Development and the Zoning Ordinance. Public facilities and open space are adequate. No industrial, research, institutional, recreational, or non-residential uses are proposed as part of the project or require consideration. (FPD)
4. **Traffic and Access.** The auto, bicycle, and pedestrian traffic system is adequately designed to meet anticipated traffic in that the affected roadway segments and will operate in the future within city standards for level of service. Vehicular access on the site is available and is adequate to serve the project. An adequate number, configuration and location of parking spaces have been provided. The project incorporates adequate facilities and good connections and access to serve bicycles and pedestrians. (FPD)
5. **CEQA.** An Initial Study/Negative Declaration was prepared and circulated for this project in accordance with CEQA requirements. The Initial Study determined based on the record as a whole that potential impacts of the project, with mitigation, would be less than significant. Appropriate mitigation measures were incorporated. No public comments were received. The project is also subject to applicable mitigation measures of the South Davis Specific Plan EIR, certified July 15, 1987 and as revised, and the General Plan EIR, certified May 23, 2001, which are incorporated by reference. (FPD, TM, DR, MM)
6. **Consistency.** The project, as proposed and conditioned, is consistent with the General Plan, Subdivision Ordinance, City Zoning Ordinance and any adopted design guidelines for the district within which the project is located, in that the project is a residential development in a residential area, is consistent with the General Plan designation of High Density Residential, the South Davis Specific Plan, and the Planned Development zoning of Multi-Family, and it meets all applicable General Plan policies, subdivision requirements, and zoning and standards. (FPD, TM, DR)

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7. **Subdivision Map Act.** The project, as proposed and conditioned, meets all applicable requirements of the Subdivision Map Act, in that none of the findings that would require disapproval of the map apply. (TM)
 8. **Site Suitability.** The division of land is suitable for the site in that the project has adequately considered floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, public health issues, site suitability, the requirements of the Subdivision Map Act, the City of Davis Municipal Code, and the General Plan. (TM)
 9. **Neighborhood Character.** The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community, in that the project uses creative and unique design to accommodate the residential development in an energy and resource efficient manner while minimizing impacts, preserving mature trees, providing adequate landscaping and buffers, and maintaining the character of the neighborhood. (DR)
 10. **Compatibility.** The architectural design of the proposed project is compatible with the existing properties and anticipated future developments within the neighborhood in terms of such elements as height, mass, scale and proportion, in that the size, scale and mass of the buildings are appropriate for the site and in relation to the surrounding buildings. (DR)
 11. **Circulation.** The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation, in that the project does not create excessive traffic which will degrade existing levels of service upon the local streets, does not create additional hazards to bicyclists or pedestrians using the sidewalks, and provides adequate parking and access for vehicles and bicycles. (DR)
 12. **Appropriate Materials/Methods.** The location, climate, and environmental conditions of the site are adequately considered in determining the use of appropriate construction materials and methods, in that the project incorporates materials appropriate for the climate and site. (DR)
 13. **Minor Modification Consistency.** The completion of the project as proposed is not inconsistent with the objectives of the general plan and intent of the zoning regulations, in that the minor modifications to the building height are consistent with Zoning Code Section 40.27.080 which allows minor deviations to building height requirements provided the modification does not increase the allowable height by more than ten percent or add another habitable story. (MM)
 14. **Minor Modification Health & Safety.** The minor modification will not adversely affect the health, safety or general welfare of persons residing or working on the site or in the vicinity, in that the modification is a minimal increase that is not detrimental to neighboring properties and the placement and design of the project ensures the scale and height of the building are appropriate for the site and compatible with adjacent properties. (MM)

15. **Minor Modification Building Code.** The proposed project is consistent with the requirements of the Uniform Building Code, in that the project has been reviewed by the Building Division with no substantive issues noted and the project is required to obtain all necessary building permits prior to construction. (MM)

ATTACHMENT 2

RECOMMENDED CONDITIONS OF APPROVAL New Harmony Affordable Apartment Community PA#61-07 (FPD#07-07, TM#01-08, DR#27-07, MM#02-08)

CONDITIONS OF APPROVAL:

General Conditions

- Approval.** This approval is for a Final Planned Development and Design Review for a 69-unit affordable apartment community consisting of two three-story apartment buildings (42,132 sq. ft. and 23,643 sq. ft.) and a one-story community building (3,871 sq. ft.), landscaping, parking, play areas, a community garden, bicycle path, site, and frontage improvements; a Tentative Map for a merger and resubdivision of three lots resulting in two lots, a 3.38-acre residential parcel and a 1.16-acre business park/office designated remainder parcel; and a Minor Modification to allow an increase in the height of the apartment buildings from 38 feet to 41 feet 9 inches, for the project located at the southwest corner of Cowell Boulevard and Drummond Avenue. The final development standards are as prescribed herein. The Tentative Parcel Map No. 4950, being a subdivision of existing parcel, is conditioned upon full compliance with Final Planned Development conditions as applicable.
- Substantial Conformance.** The project shall be completed in substantial conformance to the project plans date stamped July 25, 2008 submitted to the Community Development Department, except as modified herein. Site changes that substantially affect development standards or site design shall require a Revised Final Planned Development. Design changes that require modifications to elevations or site features shall be submitted for review and approval through the planning review process as a Design Review. Minor changes may be approved through the minor improvement application process. Prior to issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the Community Development Department.
- Permit Expiration.** The approval period for this Final Planned Development and Design Review shall become null and void after a period of eighteen months from the date of approval if substantial construction in good faith reliance on the approval has not commenced. The Community Development Department may extend the expiration date for one or more periods not exceeding a total of eighteen months. Upon a showing that the circumstances and conditions upon which the approval was based have not changed. A written request for a time extension, application, required exhibits and plans, and applicable fees must be submitted at least thirty days prior to the expiration.
- Time Limit.** The approval for this tentative map is valid for 24 months after the date of the action by the City Council. Extensions may be granted in accordance with Section 66452.6 of the Subdivision Map Act.

5. **Applicant's Responsibility to Inform.** The applicant shall be responsible for informing all subcontractors, consultants engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein in the City of Davis Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
6. **Conflicts.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
7. **Indemnification.** The applicant shall defend, indemnify, and hold harmless the City of Davis, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Davis concerning this approval, including but not limited to any approval of condition of approval of the Planning Commission or City Council. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees and agents in the defense of the matter.
8. **Run With The Land.** The terms and conditions of this approval shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assignees of the property owner.
9. **Fees.** The developer shall obtain all appropriate permits, if any, and pay all required fees.
10. **Revocation.** In the event of a violation of any of the provisions of zoning regulations, or in the event of a failure to comply with any prescribed conditions of approval, the Planning Commission may, after public notice and hearing, revoke any final planned development. The determination of the Planning Commission shall become final fifteen days after the date of decision unless appealed to the City Council.
11. **Other Applicable Requirements.** The project approval is subject to all applicable requirements of the Federal, State, City of Davis and any other affected governmental agencies. Approval of this request shall not waive compliance with all sections of the Municipal Code, all other applicable Federal, State and City Ordinances, and applicable Community or Specific Plans or Design Guidelines in effect at the time of building permit issuance. The duty of inquiry as to such requirements shall be upon the applicant.
12. **Material Board.** The design, placement and color of the building materials shall be as provided on the approved material sample board, except as modified by the conditions of approval for the project. Minor changes in materials and color selection may be made through the Community Development Department's Minor Improvement process. Details shall be provided on the working plans to the satisfaction of the Community Development Department prior to the issuance of permits.

13. **Design Review Letter.** The applicant shall attach a full copy of the approved project letter to the Building Application Submittal. (DR)
14. **Signage.** All signage shall comply with the requirements of PD 3-84 and Zoning Ordinance Section 40.26.020 and may be processed as an administrative Design Review application. Signage consistent with an approved sign program or design guidelines may be processed as a Minor Improvement.
15. **South Davis Specific Plan.** All applicable mitigation measures of the South Davis Specific Plan EIR shall apply.
16. **Final Planned Development Standards.** PD 12-87 Multi-Family development standards shall apply unless superseded by this or subsequent Final Planned Developments. Any changes or modification to elevations or site features not in substantial compliance with the approved plans shall be submitted for review and approval through the planning review process as a Revised Planned Development/Design Review. Minor changes in substantial compliance with standards and approved project may be approved by staff as an administrative Design Review or Minor Improvement.

**PD 12-87 Multi-Family/Zoning Standards
& Proposed Final PD Standards**

	Development Standard	Proposed Final PD Standards
Setbacks (Entire Site)	Per Final Planned Development	<u>Front</u> (Cowell Blvd.): 99 feet <u>Rear</u> (South) Building C: 15 feet Community Bldg: 10 feet* <u>Street Side</u> (Drummond Ave.): 16 feet <u>Side</u> (West): 62 feet
Maximum Building Height	3 stories/38 feet	3 stories/41'-9" feet (with minor modification)
Accessory Building Height	2 stories/25 feet	1 story/22 feet
Off-Street Parking Spaces	121 spaces	122 spaces (includes 5 reserve spaces)

Parking Lot Shading	50% minimum	56% (22,526 sq. ft.)
Bicycle Parking	As Determined by CDD Director	140 spaces (55 covered, 85 uncovered)
Lot Coverage	N/A	23% (33,962 sq. ft.)
Open Space/ Landscaping**	N/A	48% (70,709 sq. ft.)
Landscape Area	N/A	30% (44,950 sq. ft.)

* An open trellis attached to the community building may encroach as close as 5 feet from the rear setback.

**Open Space/Landscaping includes all concrete flatwork, paths, planters, play areas. All areas not included in building and asphalt/parking calculations.

- a) *Height.* The minor modification allows a 10 percent increase in the height up to 41 feet 9 inches.
- b) *Reserve Spaces.* Five parking spaces may be held in reserve and used for the basketball half-court or other recreational/open space. If determined necessary by the applicant/owner or the Community Development Director, the area may be converted into parking spaces. Conversion of reserve parking spaces to other recreational/open space may be approved as a Minor Improvement.
- c) *Future Changes.* Future building changes or additions or uses not consistent with the standards established in the Final Planned Development and all applicable city zoning standards shall require a revised Final Planned Development.

Prior to Recordation of Parcel Map

- 17. **Public Improvements.** Applicant shall provide construction drawings for the public improvements, including but not necessarily limited to street, striping, roadway lighting, utilities, signing and striping, to serve the project, subject to the review and approval of the City Engineer. Applicant’s engineer shall cooperate with the City to coordinate the design of the project’s frontage improvements with the City’s design of the proposed roundabout at the intersection. (TM, FPD)
- 18. **Driveway Access.** Access at the westerly driveway may be limited to right turn in and out only, unless otherwise approved by the City Engineer. (TM, FPD)
- 19. **Fair Share Improvement Costs.** Applicant to reimburse City for the project’s fair-share cost for improvements related to the roundabout, based on the normal frontage improvements

that would have been required of this project absent the new roundabout. This share will be determined by the City at the time of approval of the Parcel Map and improvement agreement. Applicant shall secure the value of its estimated share at the time of recordation of the Parcel Map. The fair-share cost shall be paid to City prior to issuance of the first certificate of occupancy. (TM, FPD)

20. **Sewer Reimbursement.** At the time of recordation of the Parcel Map, applicant shall reimburse the subdivider of the property to the south for the cost of extending the sewer service to serve this site. (TM, FPD)
21. **Remainder Lot.** Prior to further development of the designated remainder (Lot 2 as shown on tentative map) north of Cowell, the then-owner shall file maps and/or enter into an agreement to provide for the construction of public improvements to serve the site, and/or provide for the payment of fees related to such development. The remainder will also be responsible for reimbursement to City for the remainder's fair-share cost of the roundabout improvements. (TM)
22. **ROW Widths.** Final right of way widths will be determined at the time of approval of the Parcel Map. (TM)
23. **ROW Vacation.** Vacation/abandonment of any existing rights of way and/or easements requires approval of City and affected Public Utilities. (TM)

Prior to Issuance of Building or Demolition Permits

24. **Grease Removal Device.** The Community Building kitchen is required to have a grease interceptor device, subject to review and approval of Public Works. (DR)
25. **Grading and Drainage Plans.** Developer shall prepare grading and drainage plans for this project, subject to the review and approval of the City Engineer, in conformance with city Improvement Design Standards, and the Municipal Code. As part of the grading and drainage design, Developer shall prepare plans and calculations for post construction best management practices pursuant to Attachment 4 of the State Water Resources Control Board Water Quality Order No. 2003-0005-DWQ as outlined in the stormwater conditions below. As part of the grading, drainage and landscaping plans, the developer shall prepare guidelines for the operation and future maintenance of the best management practices feature, to ensure that the features will continue to be effective over the life of the project. (FPD, DR)
26. **State Construction Permit.** The project may be subject to the State of California's general permit for stormwater from construction activities (Construction General Permit). Prior to construction activities or site disturbance, the applicant shall obtain a Construction General Permit, as required. (FPD, DR)
27. **Storm Water Pollution Prevention Plan (SWPPP).** This project may be subject to and may need to file a Notice of Intent (NOI) with the State. The developer shall be responsible

to contact the Regional Water Quality Control Board to determine if additional requirements apply to this project. (FPD, DR)

28. **Storm Water Pollutants Specifically.** As a part of the foregoing condition regarding Grading and Drainage Plans, applicant shall conform to the “Provisions Applicable to Individual Priority Project Categories” contained in Section B.3.e, “Parking Lots”, of Attachment 4 to State Water Resources Control Board Water Quality Order No. 2003-0005-DWQ. (FPD, DR)
29. **Permanent BMP’s.** Permanent BMP's shall be shown on building plans for the site, and shall be subject to the review and approval of the City Engineer. Post-construction BMPs will need to be sized to meet Attachment 4 requirements of the Municipal NPDES permit. Applicant shall provide a maintenance plan for the permanent BMP’s and shall maintain the BMP’s in accordance with the plan for the duration of the project’s life. (FPD, DR)
30. **Erosion Control.** Prior to commencement of any improvements, an Erosion Control Plan shall be prepared by a registered Civil Engineer. This plan shall be subject to the review and approval of the City Engineer. This plan shall incorporate the following requirements:
 - a) This plan shall include erosion control measures to be applied during rainy season, i.e. October through April. These measures may include limitations on earth moving activities in sensitive areas during the rainy season.
 - b) The Developer shall implement wind erosion and dust control measures to be applied on a year round basis. This shall include an effective watering program to be implemented during earth moving activities.
 - c) All sediments generated by construction activities shall be contained by the use of sediment traps, such as silt fences, settling basins, or perimeter ditches.
 - d) When building construction will be delayed beyond the next rainy season, the Developer shall provide additional erosion control measures as required on each individual lot. (FPD, DR)
31. **Cultural Resources.** The applicant shall include the following note on all construction documents: “If subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.” (FPD, DR)
32. **Ozone Precursors During Construction.** In order to minimize the release of ozone precursors associated with construction, the following standard requirements developed by the Yolo/Solano AQMD shall be implemented and included as notes on all construction documents:
 - a) Construction equipment and engines shall be properly maintained.
 - b) Vehicle idling shall be kept below ten minutes.
 - c) Construction activities shall utilize new technologies to control ozone precursor emissions, as they become available and feasible.

- d) During smog season (May through October), the construction period shall be lengthened so as to minimize the number of vehicles and equipment operating at the same time. (FPD, DR)

33. **Air Quality During Construction.** The following actions shall be taken during construction to minimize temporary air quality impacts (dust) and included as notes on all construction documents:

- a) An effective dust control program should be implemented whenever earth-moving activities occur on the project site. In addition, all dirt loads exiting a construction site within the project area should be well watered and/or covered after loading.
- b) Apply water or dust palliatives on exposed earth surfaces as necessary to control dust emissions. Construction contracts shall include dust control treatment in late morning and at the end of the day, of all earth surfaces during clearing, grading, earth moving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible. Excessive watering will be avoided to minimize tracking of mud from the project onto streets.
- c) Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).
- d) Outdoor storage of fine particulate matter on construction sites shall be prohibited. Contractors shall cover any stockpiles of soil, sand and similar materials. No storage of uncovered construction debris for more than one week.
- e) Construction-related trucks shall be covered and installed with liners and on the project site shall be swept at the end of the day.
- f) Revegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
- g) Vehicle speeds shall not exceed 15 miles per hour on unpaved surfaces. (FPD, DR)

34. **Landscape Plan.** A final landscape plan with detailed landscaping and irrigation information shall be submitted and approved by the Community Development and Parks and General Services Departments prior to the issuance of building permits. Landscape plans shall specify the following:

- a) Location, size and quantity of all plant materials;
- b) A plant legend specifying species type (botanical and common names) container size, maximum growth habit, and quantity of all plant materials;
- c) Location of all pavements, fencing, buildings, accessory structures, parking lot light poles, property lines, and other pertinent site plan features;
- d) Planting and installation details and notes including soil amendments;
- e) Existing trees on site shall be identified. Identification shall include species type, trunk diameter at 4'-6" above adjacent grade, and location on site. Trees planned for removal or relocation shall be marked on the plans, methodology to preserve trees in place shall be provided on the plans;
- f) Street trees to be planted;
- g) Details of all irrigation (drip and sprinkler) as well as all equipment such as backflow, controller and meter devices identified;
- h) Two deep watering tubes per tree planted in an isolated parking lot planter island.

- i) Landscaping shall be designed to incorporate permanent Best Management Practices (BMPs) for stormwater quality. Procedures for maintaining the BMPs shall be provided, subject to the review of Public Works. (FPD, DR)
35. **Landscaping Standards.** Trees shall be a minimum of 15 gallons in size. Shrubs shall be a minimum of 5 gallons in size. Ground cover may be 1 gallon or less in size. Ground cover areas shall be supplemented with additional 5-gallon size materials to provide variation and texture. (DR)
36. **Parking Lot Shading Plan.** Plans and construction shall comply with the City’s Parking Lot Shading and Master Parking Lot Tree list guides. A separate parking lot shading diagram shall be reviewed and approved by the Community Development Department prior to issuance of building permits. The parking lot shading diagram shall include all light poles and utility boxes. Parking lot trees shall be located so as to not interfere with parking lot light poles and light distribution. (FPD, DR)
37. **Landscape Water Conservation.** The project shall comply with the Landscape and Water Conservation requirements (Section 40.26.190 of the Davis Municipal Code). Verification of compliance with this ordinance shall be to the satisfaction of the Public Works Department and shown on the building permit plans set with the irrigation plan. The plant list shall incorporate native species whenever possible throughout the site. (DR)
38. **Irrigation Systems.** All plant materials, including ground cover shall be serviced with an automatic irrigation system. All irrigation systems shall be subject to review and approval by the Community Development Department and the Public Works Department prior to issuance of permits. (DR)
39. **Site Management Plan.** Prior to issuance of any permits or commencement of any demolition or construction activity on the site, the applicant shall submit a final construction impact site management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Public Works Departments. The plan shall include and comply with, but is not limited to,
- a) Public notice requirements and “good neighbor letters” prior to demolition/ construction and for periods of significant impacts (noise/vibration/street or parking lot closures, etc.) and special street postings, as determined necessary.
 - b) Construction vehicle parking plan.
 - c) Phone listing for community concerns with names of persons who can be contacted to correct problems, hours of construction activity, noise limits, dust control measures.
 - d) Provisions for security fencing and temporary walkways.
 - e) Public convenience and safety shall be accommodated during construction. Traffic control plans shall take into account pedestrians. The traffic control plan shall be subject to the review and approval of the City Engineer, prior to the beginning of any construction within the public right of way.
 - f) Work and/or storage of material or equipment within a City right-of-way may require the separate receipt of an Encroachment Permit. (FPD, DR)

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40. **Biological Clearance Survey.** Prior to issuance of a grading/building permit or other improvement activities on the site, the applicant shall obtain a biological clearance approval from the Community Development Department and City Biologist. A biological survey shall be completed consistent with city ordinances and shall comply with required biological mitigation measures. Additionally, construction spoils or debris piles must be removed from the site or covered within 48 hours to prevent burrowing owls from taking refuge within the piles. (FPD, DR)
41. **Encroachment Permit Required.** All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted with the building plans. It is anticipated that construction of the public improvements to serve the site shall be covered by the provisions of a subdivision agreement to be entered into at the time of recordation of the Parcel Map. The applicant shall obtain all necessary encroachment permits from the City of Davis Public Works Department prior to issuance of building permits for all work and construction of private improvements which encroach within or over the public right-of-way, including, but not limited to, balconies, fire ladders, bike racks, water meters, backflow devices, signs. (DR)
42. **Construction Waste Recycling.** The project shall comply with the requirements of the City's Construction Waste and Demolition Ordinance. (DR)
43. **Utility Plan.** A utility plan that shall be approved by all applicable utility providers shall be prepared prior to the issuance of permits. The applicant shall prepare a final site plan and elevations of all on-site mechanical equipment (including HVAC condensers, transformers, switch boxes, backflow devices, PG&E transformers, etc.) and specifics of how such equipment shall be screened from public view. This plan, with an approval stamp from the City of Davis Community Development Department, shall be submitted by the applicant to the utility provider for review. Any necessary changes or deviations from the approved utility location and/or screening shall be reviewed by the Community Development Department prior to installation and may be subject to discretionary Design Review processing and fees by the Planning Department. (DR)
44. **Equipment Screening.** All ground mounted utility appurtenances such as transformers, AC condensers, backflow devices, etc., shall be located out of public view and adequately screened in such a manner as to minimize the visual and acoustical impact. Screening may include a combination of landscaping and/or masonry or lattice walls or berming to the satisfaction of the Community Development Director. Whenever possible, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building. (DR)
45. **Trash Enclosure.** Details of trash enclosure design shall be submitted for review and approval by the Community Development Department and the City Engineer prior to the issuance of building permits. Trash enclosure and recycle areas shall be adequately screened from public view, and shall be architecturally compatible with proposed building design by utilizing consistent materials and colors. (DR)

46. **Water Heater Storage.** The applicant shall consider measures to separate the water heater space and storage space areas, subject to review and approval of the Community Development Director. (DR)
47. **Construction and Materials.** The plan review set shall include adequate detailing of application, construction and materials proposed of all exterior architectural enhancements including but not limited to building and window trim, depth of recessed features, grout or reveal width/depth, awning materials, trellis construction, building material application such as tile/brick. Adequate detailing may necessitate the use of cross-sections. (DR)
48. **Light Fixtures.** All wall mounted building lighting shall be submitted for review and approval by the Director of Community Development prior to issuance of permits. All lighting fixtures shall be complementary to the building architecture. Outdoor lighting shall be low wattage, the minimum necessary to light the intended area, and fully shielded to minimize off-site glare (DR)
49. **Exterior Lighting.** All exterior lighting shall be directed so as to not adversely impact traffic or adjacent sites. Light standards shall not exceed 15 feet in total height and shall comply with the provisions of the City’s Outdoor Lighting Control Ordinance as well as the City’s Security Ordinance. A detailed on-site lighting plan, including a photometric diagram and details of all exterior light fixtures shall be reviewed and approved by the Community Development Department prior to the issuance of permits. (FPD, DR)
50. **Fences.** All fence footings and foundations shall be galvanized steel, reinforced concrete, or masonry or treated wood materials in contact with the ground. The location and design for all fences adjacent to public or private open space, roads, or bicycle paths, shall be provided on plans prior to the issuance of permits and shall be subject to review and approval by the Director of Community Development. (DR)
51. **Bicycle Parking.** The applicant shall provide a minimum of 140 bicycle parking spaces unless otherwise adjusted and approved by the Community Development Department and Public Works Department. Bike parking shall be conveniently located and dispersed on site near entrances. Placement of racks shall be carefully considered to minimize conflicts with pedestrian travel. Bicycle racks shall be Creative Pipe Series LR or Urban Accessories Model E or an equivalent, with the design and location subject to approval by the Community Development Department and Public Works Department. (FPD, DR)
52. **Bicycle Shelter.** Final location and design of covered bicycle parking and bicycle shelters shall be subject to review and approval of the Community Development Department in consultation with the Public Works Department. (DR)
53. **Bicycle Parking Areas.** Bicycle parking areas shall be designed to minimize water runoff crossing the decomposed granite surface or shall be surfaced with concrete, pavers, or other appropriate hardscape material, subject to review and approval of the Community Development Department and Public Works Department. (DR)

54. **Trash Enclosure Roof.** A canopy or roof shall be incorporated in the trash enclosure design to cover the facility, subject to review and approval of the Community Development Director. (FPD, DR)
55. **Accessibility/Visitability.** All units shall be fully visitable and a minimum of 20% of the units shall be accessible, subject to review and approval of the Community Development Director and Building Official. (FPD, DR)
56. **Tree Modification Permit.** The applicant shall complete any required Tree Modification Permit processes prior to removing any trees. The Tree Modification Permit process shall be completed prior to demolition/grading permits and tree removal. (DR)
57. **Park In-Lieu Fees.** The project is subject to park in lieu fees consistent with Municipal Code Section 36.08. Prior to issuance of building permits, the applicant shall pay the required in lieu fee. (FPD)
58. **Bioswales.** Bio swales should not be located adjacent to retaining wall portions of the greenbelt. Location and design of bioswales shall subject to review and approval of the Parks, Public Works, and Community Development Departments. (FPD, DR)
59. **Photovoltaics.** The applicant shall install a photovoltaic system to supply common areas of the project site, subject to review and approval of the Community Development Director and Building Official. (FPD)
60. **Green Building Ordinance.** The applicant shall comply with the City's Green Building Ordinance for the project. (FPD, DR)
61. **Greenbelt Improvements.** The greenbelt shall be improved by the developer prior to certificate of occupancy. The plans shall be corrected to specify who is required to provide the improvements. The greenbelt design shall be subject to review and approval of the Parks and General Services Department in consultation with the Public Works and Community Development Departments (FPD, DR)
62. **Fire Requirements.** Prior to issuance of building permits, plans shall be submitted to the Fire Department for review and approval. All new development shall comply with the fire safety requirements of the California Fire Code and California Building Code as adopted by the City of Davis. The project shall incorporate the following items in the construction documents:
 - a) There are a total of 5 hydrants proposed, only two hydrants are necessary for the required fire is 1875 gpm, in accordance Table B105.1 of the California Fire Code, 2007 edition.
 - b) Provide a height and area analysis for building B. Currently building B is over area with only the increase allowed by Section 506.3 of the California Building Code, 2007 edition.
 - c) The Club house is required to have a automatic sprinkler system in accordance with NFPA 13, 2002 edition, due to the inaccessibility of the building.

- d) Fire apparatus shall have access to building C within 150 feet of the southwest corner. An addition stairway shall be provided in building C. An all weather surface shall be provide for a 40,000 pound two axle fire apparatus.
- e) A fire alarm system is require to monitor the fire sprinkler system and notification appliances shall activate upon sprinkler flow in accordance with Section 907.2.9 of the California Fire Code, 2007 edition.
- f) The water supply for the NFPA 13R automatic sprinkler system shall be in accordance with Fire Prevention Statement “EE”. The automatic sprinkler system shall not have its own water supply. (FPD, DR)

63. **MM #1 Indoor Air Quality.** In order to minimize air quality impacts and improve indoor air quality, prior to issuance of building permits the applicant shall incorporate the following mitigation measures into the building plans subject to review and approval of the Community Development Director and Building Official:

- a) Provide an enhanced filtration for all dwelling units using passive electrostatic filters and low air velocities or equivalent;
- b) Use low-VOC materials, paints, and carpeting in the dwelling units consistent with Build It Green’s Multi-Family Green Building Guidelines. (FPD, DR)

64. **MM #2 Burrowing Owl Mitigation Measure.** Prior to any grading or construction on site, a preconstruction survey for burrowing owls shall be conducted in areas of suitable habitat on and within 250 feet of the project site. A minimum of one survey shall be conducted by a qualified biologist and shall be completed no less than 14 days and no more than 30 days before grading or construction begins. Surveys shall be conducted by walking transects no more than 100 feet apart to achieve 100% visual coverage.

- a) If no occupied burrows are found during preconstruction surveys, a letter report documenting survey methods and findings should be submitted to the City of Davis for review and approval, and no further mitigation is required for potential impacts to burrowing owls.
- b) If an occupied burrow is found on or within 250 feet of the project site, potential disturbance shall be minimized by establishing a 160-foot radius buffer during non-breeding season (September 1 through January 31) or a 250 foot radius buffer around the burrow during breeding season (February 1 through August 31) until the breeding season ends, or it is confirmed by a qualified biologist that the burrow is no longer occupied.
- c) If destruction of an occupied burrow in the project area is unavoidable, passive relocation techniques shall be used during the non-breeding season (September 1 through January 31) to exclude the owls from the burrow in accordance with DFG guidelines (DFG 1995). Following relocation, the project site shall be monitored for five consecutive days to ensure that owls are no longer present. If site grading does not occur within three days after the five consecutive days of monitoring is completed, a biologist shall resurvey the site to determine if owls have reoccupied the site. If owls have reoccupied the site, passive relocation and monitoring procedures must be repeated. A qualified biologist shall be present during initial grading. If owls are present during initial grading, all grading must cease and passive relocation and monitoring procedures shall be repeated. Following completion of the passive

relocation, a letter shall be submitted to the City of Davis documenting the methods and results of burrowing owl passive relocation on the project site. If there are no occupied nests or if nesting owls have been relocated as described above, the site may be maintained per City requirements to prevent occupation by any burrowing owls.

- d) In addition to passive relocation, DFG guidelines suggest mitigating for the loss of burrowing owl nesting habitat on protected lands at a ratio of 6.5 acres per pair or individual displaced by development. If occupied nests are detected on-site during breeding season, the applicant shall mitigate for the loss of nesting habitat consistent with DFG guidelines. (FPD, DR)

65. MM #3 Construction Noise Mitigation. In order to reduce potential impacts from short-term construction noise on nearby residences to a less than significant level for development of the residential parcel, the project contractor shall implement the following measures to be included as notes on grading and building plans. If the residential parcel is developed and occupied before construction on the commercial/office parcel occurs, the following measures shall also be implemented for construction on the commercial/office parcel.

- a) The project contractor shall permit only one piece of earthmoving equipment (including scrapers, haul trucks, rollers, dozers, tractors, front end loaders, hydraulic backhoes or excavators, graders, or similar equipment) to operate at any single time within 100 feet of the Owendale Community property line;
- b) During all project site excavation and on-site grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers and bafflers consistent with manufacturers' standards;
- c) The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site; and
- d) The construction contractor shall locate equipment staging in areas that will create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- e) During all project construction, the construction contractor shall limit all noise-producing construction related activities to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and to the hours of 8:00 a.m. and 8:00 p.m. on Saturdays and Sundays. For the office/commercial parcels which are located more than two hundred feet from existing homes, the contractor may request a special use permit to begin work at 6 a.m. on weekdays from June 15th until September 1st. (FPD, DR)

66. MM #4 Residential Parcel Traffic Noise Mitigation. In order to reduce impacts from traffic noise to a less than significant level, the applicant shall incorporate the following measures into the building plans for the residential parcel subject to review and approval of the Community Development Director:

- a) A minimum setback of 260 feet from the centerline of I-80 shall be required of all noise sensitive land uses on the residential parcels;
- b) An alternate form of ventilation, such as an air conditioning system and trickle ventilation, should be required for all residential units directly exposed to I-80 to ensure that windows can remain closed for a prolonged period of time;
- c) Windows with a minimum STC-32 rating shall be required for all residential units with façades directly exposed to I-80; and

- d) All outdoor active use areas (including playgrounds, patios, and balconies) shall be located on the south side of buildings on the residential parcels. (FPD, DR)

67. **MM #5 Office/Commercial Parcel Traffic Noise Mitigation.** In order to reduce impacts from traffic noise to a less than significant level, the applicant shall incorporate the following measures into the building plans for the commercial parcel subject to review and approval of the Community Development Director

- a) A berm a minimum of 4 feet in height above the finished pad elevation and extending the length of the property should be constructed on the northern property boundary adjacent to I-80;
- b) The berm should be landscaped with dense vegetation and tree cover to aid in blocking the line of sight to the traffic noise source;
- c) A minimum setback of 165 feet from the centerline of I-80 should be required of all noise sensitive land uses on the office/commercial parcel;
- d) An alternate form of ventilation, such as an air conditioning system, should be required for all office/commercial spaces directly exposed to I-80 to ensure that windows can remain closed for a prolonged period of time. (FPD, DR)

68. **MM #6 Traffic/Circulation Mitigation.** In order to reduce potential traffic safety and circulation impacts to a less than significant level, the applicant shall implement the following measures to the satisfaction of City Engineer:

- a) Construct half roadway improvements along project frontage on Cowell Boulevard and Drummond Avenue and provide a two-way left turn lane to facilitate access into and out of the project site; and
- b) Verify and maintain appropriate sight distances at the driveway locations. (FPD, DR)

Prior to Commencement of Demolition, Grading, or Construction Activities

69. **Preconstruction Meeting.** Prior to the start of any work on-site, the applicant shall request and attend a preconstruction meeting to include project superintendent, architect, subcontractors, as well as City representatives including Planning, Building and Public Works. (DR)

Prior to Occupancy

70. **Compliance with Conditions.** Prior to any use of the project site, all Conditions of Approval shall be completed to the satisfaction of the Director of Community Development Department. The site and buildings shall be inspected for compliance prior to the issuance of a certificate of occupancy. (FPD, DR)

71. **Management Policies.** Prior to occupancy or final, the applicant shall provide management policies to be implemented regarding:

- Elevator use and safety;
- A parking plan and assignment of parking spaces; and

- Shared use of, pool, community building, and other facilities for Owendale and New Harmony residents, subject to review and approval of the Community Development Director. (FPD, DR)

72. **Recycling Containers.** Recycling containers shall be provided in the community building and appropriate outdoor areas. (FPD, DR)

73. **Landscaping Inspection.** Landscaping shall be installed consistent with the approved landscape plan prior to final certificate of occupancy and inspected by Planning staff. All trees shall be planted and staked in accordance with Parks and Community Services Department standards. (DR)

On-Going Conditions

74. **Property Maintenance.** Owners are responsible for maintaining all buildings, yards, structures, parking areas and other improvements in such a manner, which does not detract from the appearance of the surrounding area. Driveway and parking areas shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving and any other significant damage repaired in a timely fashion throughout the life of the project. (FPD, DR)

75. **Landscape Maintenance.** The property owner shall be responsible for the installation and maintenance of all landscaping from the back of the curb to their project. (FPD)

76. **Affordability.** In accordance with City land dedication requirements previously adopted, the project will stay affordable in perpetuity and will adhere to all city affordable housing requirements, including its Tenant Selection Guidelines and ongoing reporting and inspection obligations to the City. (FPD)

77. **Crime Prevention.** The New Harmony project shall participate in the city's Crime Free Program. In addition, the project shall host neighborhood watch meetings. (FPD)