

September 9, 2009

## Recommended Findings and Conditions of Approval

### Willowbank Park Subdivision

West Side of Mace Boulevard, Between San Marino Drive and Redbud Drive

(APN# 069-490-35)

Planning Application #42-08: Mitigated Negative Declaration #5-08, General Plan Amendment #1-08, Specific Plan Amendment #2-08, Rezone/Preliminary Planned Development #2-08, Development Agreement #06-08, Tentative Subdivision Map #7-08, Final Planned Development #4-08, Affordable Housing Plan #2-08, Design Review #27-08:

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### I. FINDINGS:

1. **PROJECT DEVELOPMENT TIME LIMIT.** The property owner can commence substantial construction within eighteen months from the date of the final planned development approval and intends to complete the construction with a reasonable time. (FPD, DR)

2. **CONFORMANCE TO REQUIREMENTS.**

**General Plan.** The proposed planned development, with adoption of the proposed General Plan Amendment, will comply with the land use designation of Residential Medium-Density for the parcel currently designated Public/Semi-public in the General Plan. This allows for a consistent land use designation and zoning for the parcel, which would facilitate the development of the proposed project. (GPA, PPD, FPD, DR)

**General Plan Greenbelt Consistency.** While the project does not meet the strict General Plan policy requirement for ten percent greenbelt, the City finds this acceptable in light of the infill nature of the site, the small size of the site, and its location surrounded by existing residential uses. Furthermore, it is impractical for the project to provide the average 100 feet greenbelt width and to design an acceptable residential layout and density project for the site. The project provides improvements to the existing greenbelt system that enhances the greenbelt for citizens. The project is consistent with General Plan goals to provide linkages, corridors and other connectors to provide an aesthetically pleasing and functional network of parks, open space areas, greenbelts and bike paths throughout the city. The project would be one of several infill projects recently approved by the City Council that do not provide the General Plan requirement for greenbelt. Furthermore, the city recognizes the unique circumstances and limitations of this site and other infill sites within the city and is in the process of developing policies to allow flexibility for greenbelt requirements for smaller infill projects with which this project would comply.

**Specific Plan Consistency.** The proposed planned development, with adoption of the proposed Specific Plan Amendment, will comply with the land use designation of Residential-Cluster Homes for the parcel currently designated Public/Semi-public in the South Davis Specific Plan. This allows for a consistent land use designation and zoning for the parcel, which would facilitate the development of the proposed project.

**Zoning.** The proposed project, with the adoption of the proposed rezone, will be consistent with the Zoning Ordinance, as the purpose of the planned development district is to allow

diversification in the relationship of various buildings and structures and provide relief from the rigid standards of conventional zoning in order to allow for new and compatible housing development with surrounding residential uses. The proposed project will provide for an integrated and harmonious residential environment and creative relationship with adjacent residential uses. It will allow for and encourage architectural variation while maintaining the residential character within the area. (GPA, PPD, FPD, DR)

***Infill Guidelines.*** The proposed development has been shown to comply with the General Interim Infill Guidelines in the analysis of the staff report to the Planning Commission dated June 17, 2009. The public necessity, convenience and general welfare require adoption of the proposed amendment, given that the proposed project is an infill project that will address the housing needs of the city. (GPA, PPD, FPD, DR)

3. **CIRCULATION.** The auto, bicycle and pedestrian traffic system shall be adequately designed to meet anticipated traffic and has been designed to provided the minimum amount of interference with each other in that, the proposed project has considered pedestrian and bicycle circulation in developing the site plan and meets the City's standards for private driveways, circulation, and number of parking spaces. (FPD, TM, DR)
4. **ENVIRONMENTAL.** Mitigated Negative Declaration #5-08 prepared for this project. It declares that impacts associated with the project have been adequately addressed through city standard conditions of approval and mitigation measures recommended for adoption, and those pertinent measures in the General Plan would apply to the development of the subject site. No environmental impact report (EIR) is needed. (FPD, DR, ND)
5. **ADEQUACY OF THE DEVELOPMENT.** The residential development constitutes a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood. As conditioned, the proposed development is consistent with the requirements of the new Planned Development #2-08 (Residential-Cluster Homes). The development is appropriate in area, location and overall planning for the purpose intended. (FPD, DR)
6. **COMPATIBILITY.** The proposed project will constitute a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood. The proposed project is suitable for the site as it will comply with the standards in the zoning district, PD #2-08 (Residential-Cluster Homes), and the scale of the buildings will be consistent with within the district given the applicable development standards. As conditioned, the project will not have significant adverse effect on surrounding properties in that the plan incorporates standards for the site established as a means to minimize impacts on surrounding properties. (FPD, DR)
7. **CONSISTENCY WITH THE SUBDIVISION ORDINANCE.** In accordance with Section 36.06.080 of the City's Subdivision Ordinance, the proposed subdivision of land complies with or has been conditioned to comply with, requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the

Subdivision Map Act, the City's Subdivision Ordinance, the Municipal Code, and the General Plan. (TM)

8. **CLIMATE CHANGE & SUSTAINABILITY.** The project, as conditioned, complies with the city's Green Building Ordinance and adopted thresholds for greenhouse gas emission reduction. The project building and site features are consistent with General Plan and city policies to ensure long term sustainability of the project, water and conservation, and greenhouse gas emission reduction. (FPD, DR)
9. **FINAL MAP.** A single or multiple Final Map(s) may be filed with the City to subdivide the parcel, in substantial conformance with the Tentative Map. (TM)
10. **COMPLIANCE WITH THE AFFORDABLE HOUSING ORDINANCE.** In accordance with Chapter 18.05 of the Davis Municipal Code the project complies with all of the requirements for affordable housing. (AHP)
11. **APPROPRIATE DESIGN.** 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. (FPD, DR)
12. **COMPATIBLE WITH EXISTING CONTEXT.** 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 project does not change the longstanding existing character of the neighborhood. The materials, colors, and architectural elements of the dwelling will be compatible with existing development within the project vicinity. (DR)
13. **ENVIRONMENTAL CONSIDERATION.** The location, climate, and environmental conditions of the site are adequately considered in determining the use of appropriate construction materials and methods. Sufficient conditions are included with the approval to ensure the long-term maintenance of the project. (DR)

## **II. CONDITIONS OF APPROVAL:**

- 1. APPROVAL.** The entitlements approved for the project are: 1) General Plan Amendment changing the Land Use Designation from "Public/ Semi-public" to "Residential Medium-Density"; 2) Specific Plan Amendment changing the land use designation from "Public/Semi-public" to "Residential-Cluster Homes"; 3) Preliminary Planned Development rezoning the vacant parcel (APN #69-490-35) from Planned Development #4-92 to Planned Development #2-08; 4) Tentative Subdivision Map; 4) Final Planned Development; 5) Affordable Housing Plan to govern the affordable housing component of the development; 5) Design Review for site plan and architectural review of proposed affordable housing building elevations; and 6) Development Agreement between the City of Davis and the Developer. The approval will allow for the development of a 27 unit subdivision, including, but not necessarily limited to, public streets, city greenbelt(s), and other public right of way on 4.48 acres (ALL)
- 2. SUBSTANTIAL CONFORMANCE.** The project shall be completed in substantial conformance to the plans contained within the staff report and date stamped August 24 & 25, 2009, except as modified herein. Design changes that require modifications to uses, elevations or site features shall be submitted for review and approval through the planning review process such as Design Review, or Minor Modification, whichever is applicable. Prior to issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the city. (FPD, DR)
- 3. TIME LIMITS FOR FINAL PLANNED DEVELOPMENT AND DESIGN REVIEW.** The approval period for Final Planned Development #4-08, Design Review #27-08 shall become null and void after a period of 18 months from the approval date if substantial construction in good faith reliance on the approval has not commenced subsequent to such approval. The Community Development Director may extend the expiration date for one or more periods not exceeding a total of 18 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. (FPD, DR)
- 4. 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. (ALL)
- 5. DEVELOPMENT AND MAINTENANCE.** The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, landscaping and grading on file in the Community Development Department, the conditions contained herein, Municipal Code regulations, and PD #2-08. (PD, FPD, DR)
- 6. 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 or condition of approval of the City Council, Planning Commission, or Community Development Director. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall

cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees and agents in the defense of the matter. (ALL)

7. **OTHER APPLICABLE REQUIREMENTS.** The project approval is subject to all applicable requirements of the Federal, State and City of Davis, and any other affected governmental agencies. Approval of this request shall not waive compliance with all applicable sections of the Municipal Code, all other applicable City Ordinances, and applicable Community or Specific Plans or Design Guidelines in effect at the time of building permit issuance. The duty of inquiry as to such requirements shall be upon the applicant. (ALL)
8. **CONFLICTS.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail. (ALL)
9. **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. (ALL)
10. **SUBSEQUENT MODIFICATION.** Any proposed subsequent modification of the subject site or structure thereon, including but not limited to the following actions, shall first be reported to the city for a review and determination of consistency with this permit. Actions affecting how people or materials move on, off or around the site; the physical appearance of the site or structures thereon (including but not limited to signing, architecture, landscaping, paving, etc.) the type of activity (ies) on land use(s) pursued thereon; the number of people employed thereon or otherwise involved with on-site activities or land uses; etc shall first be reported to the city for a review and determination of consistency with this permit. (FPD, DR)
11. **REVISED PLANS.** Prior to issuance of building permits, revised plans incorporating all conditions of approval for this project shall be coordinated and submitted to the Community Development Department as one package in accordance with plan check requirements. The revised plans shall show any lot modified, herein. All plans including site, grading, landscape, irrigation, mechanical and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, encroachment, building, etc.) Any changes to the size, elevation, design or location of any structure on site, or other site or landscape improvements shall not be made without prior City approval. (DR)
12. **SCHOOL IMPACT FEES.** The owner shall cooperate with the School District to the extent authorized by State law in establishing school funding mechanisms for new subdivisions and in-fill development to ensure that the impacts of such development on school facilities are fully mitigated. (FPD)

- 13. DEVELOPMENT FEE TIMING.** Payment of project development fees; water and sewer connection fees; and Quimby fees shall be payable at Certificate of Occupancy for each unit, in accordance with the provisions of the Development Agreement. The fees paid shall be at the rate(s) in effect at the time of payment (TM).
- 14. PLAN CHECK FEES.** A plan check fee shall be required by the Community Development Department when an application for a building permit is submitted. The plan check hours shall be billed to the building permit application, unless advised otherwise by the applicant/developer. (FPD, DR)
- 15. FINAL PLANNED DEVELOPMENT APPROVAL.** The Final Planned Development approval is for a 27 unit residential subdivision providing single family market rate lots and low/moderate income affordable units. The lot layout shall be in substantial compliance with the Final Planned Development Map date stamped August 24 & 25, 2009, except as modified herein. (FPD, DR)
- 16. DEVELOPMENT STANDARDS:** The final development standards for the project shall be substantially in compliance with the development standards shown on the Final Planned Development date stamped August 24, 2009. Any significant changes to the Final Planned Development shall require an additional discretionary action for approval subject to the determination of the appropriate process by the Community Development Department staff. (FPD, DR)
- 17. FINAL PLANNED DEVELOPMENT SET.** Prior to issuance of building permits the applicant shall submit a reproducible copy of the Final Development Plan set, with all conditions of approval incorporated or clearly listed on the plans. The plan set shall not be accepted as the Final Planned Development Set until the Community Development Director has signed and dated the set. The applicant shall provide two prints of the signed set to the Community Development Department. Electronic copies are recommended. (FPD)
- 18. FIRE SAFETY REQUIREMENTS.** Prior to the issuance of building permits, the applicant/developer shall obtain approval from the fire department that all necessary public services, including water service and fire hydrants, meet fire department standards. The number and flow capability of the fire hydrants for the subdivision must meet requirements of the California Fire Code for water supply. Hydrants and water mains shall conform to City of Davis Specifications. (FPD, DR)
- A. Fire sprinklers shall be provided in residences on Lots 23, 24, 25, 26, and 27.
- B. Vehicle access shall be sufficient to accommodate fire department equipment as follows:
- 1) The minimum public street (curb to curb) in the subdivision will be 20 feet.
  - 2) Additional width will be provided where on-street parking is permitted
  - 3) A clear driving width of a minimum of 16 feet shall be provided and maintained on all private drives (low-moderate income units only) for emergency vehicle access.
  - 4) Parking will be prohibited on the segment of Blue Oak Drive lying between Mace Boulevard and Sugar Pine Place and as otherwise provided by law.

- 5) The costs of providing and installing "No Parking" signs posted where parking is prohibited, shall be the responsibility of the Sub divider.
  - 6) On-street parking shall not encroach into the required minimum width required for emergency vehicle access, subject to the review and approval of the City Engineer and Fire Chief.
  - 7) Parking shall not be permitted on private drives (low-moderate income units only) and /or private streets. Enforcement shall be the responsibility of the property owners, or as provided in other documents such as CC&R's.
  - 8) Maintaining clear access on fire apparatus roads is essential to emergency operations. It shall be the responsibility of the property owners to provide a mechanism to enforce parking, 24 hours a day, 7 days a week on private drives. A parking enforcement plan must be provided to the Fire Department for approval to demonstrate how this will be achieved.
- C. On building plans that indicate a fence with a gate between the street and front door, the gate must be operable at all times. The gate must be distinguishable from the fence. If addresses are not visible from the street additional addressing shall be posted on the gate.

- 19. POLICE SAFETY REQUIREMENTS.** Plans shall be submitted to the Police Department for review and approval prior to issuance of building permits. All new developments shall comply with the City Building and Security Ordinance and other safety recommendations and requirements regarding building security as well as employee and patron security, prior to issuance of building permits. It is recommended that a minimal number of medium growing shrubs be planted well back from bicycle paths. Tree should be selected with canopies that will provide a clear view underneath to allow bicyclists to see clearly for a distance and to reduce areas that restrict visibility. (PPD, DR)
- 20. COVENANTS CODES AND RESTRICTIONS.** A detailed set of CC&Rs including but not necessarily limited to explicit use, maintenance, repair, and replacement of private street, private drives, common area, shared walls and roofs; and utilities; provisions for allocating and collecting costs associated with the maintenance, repair, and/or replacement of common improvements shall subject to the review and approval of the Community Development Department, City Engineer and/or the City Attorney prior to recordation of any Final Map for the project. The Declaration of the CC&Rs shall be recorded at the time of recordation of the applicable Final Map. 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 Director, City Engineer, and/or the City Attorney. Enforcement of the CC&Rs shall be the responsibility of the property owners via private proceedings. (FPD, TM)
- 21. STREETS.** The Final Map shall provide for the relinquishment of direct vehicular access to Mace Boulevard from lots 8, 9, 25, 26 and 27 as shown on the Tentative Map.(TM)
- 22. STREET NAMES.** Street names shall be subject to the review and approval of the City Engineer prior to the approval of any Final Map(s).

- 23. BUILDING HEIGHT / STORIES.** (FPD, DR). Maximum building height shall not exceed 35 feet / two stories. (FPD, DR)
- 24. REQUIRED PARKING.** The number of parking spaces shall be provided in accordance with the requirements of Section 40.25.090 of the Zoning Ordinance. One additional on-site parking space shall be provided for a second dwelling unit. Garage, carport and parking space dimensions shall be as shown on the Final Planned Development Plan (FPD, DR)
- 25. GARAGES.** The following restrictions apply to garages: (PPD, FPD, AND DR)
- A. Garage conversions (partial or whole) shall not be permitted under this Final Planned Development.
  - B. Garages shall remain clear for parking. Enforcement shall be the responsibility of the property owners.
- 26. SECOND DWELLING UNITS.** Second dwelling units shall require approval of a Revised Final Planned Development. (FPD, DR)
- 27. MAINTENANCE OF REAR AND SIDE YARDS.** Structures or debris visible from public view shall be prohibited on rear and side yards located adjacent to the greenbelt. Provisions to ensure compliance shall be incorporated in the project CC&Rs. (FPD, DR)
- 28. VISITABILITY / ACCESSIBILITY.** The applicant/developer shall provide visitability features consistent with city policies for all units. The applicant/developer shall provide accessibility features, including a first floor bedroom and full bathroom for a minimum of one low-moderate income unit. (FPD, DR)
- 29. HOUSING PLACEMENT.** The total number of each house plan constructed within the development shall be consistent with that shown on the Final Planned Development. Exterior paint colors shall differ, and where possible exterior materials shall vary. Any plan change proposed on any lot shall be subject to review and approval by the Community Development Director. (FPD, DR)
- 30. RESIDENTIAL EMERGENCY ACCESS.** For emergency response purposes, each dwelling unit shall have an identifiable "front" door that has a reasonable connection to the street to which it is addressed. Reasonably connected means a dwelling must have a door visible from (usually in the same plane as) the paved surface adjacent to the building. The Fire Department will determine whether exterior doors and adjacent paved surfaces are reasonably connected. (FPD, DR)
- 31. RESIDENTIAL ADDRESSING.** Each dwelling unit address shall correspond to a street or private drive. No unit shall be addressed to the common area or driving surface that is not a named street or alley. Names for the private drives and addressing shall be subject to the review and approval of the City Engineer. (TM, FPD, DR)
- A. Dwellings unit numbers must be visible from the street to which they are addressed.

- B. Address numbers shall comply with Section 505 of the California Fire Code, 2007 edition, "Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 and inch (12.7mm)."
- C. Addresses for all dwellings shall also be shown together on centrally located signage, in such a position that numbers are easily visible to approaching emergency vehicles.
- D. In locations where end paved areas serve several dwellings, a prominent sign shall be provided at each entrance to the paved areas.
- E. Signs shall display address numbers of the dwellings on that paved area.  
Signage design and location are subject to review and approval of the Police and Fire
- F. Departments and the Community Development Department.

**32. GREEN CONSTRUCTION.** The project shall comply with the City's Green Building Ordinance. (FPD, DR)

**33. FENCING.** Concurrently with application for the first building permit, developer shall submit a plan showing the location and design details of all fences proposed in the project subject to review and approval of the Community Development Department and Parks and General Services. The developer shall install all fencing within the development consistent with the following requirements. (FPD, DR)

- A. *Greenbelt.* All fencing design, material and construction details adjacent to public or private open space, roads, or bicycle paths, shall be subject to review and approval Parks and General Services Director or designee for review and approval. All fencing adjacent to public property shall be placed fully on private property. The property owner shall be responsible for maintenance and repair. The property owners shall be responsible for ensuring proper maintenance of fences through CC&Rs.
- B. *Greenbelt Fence Modification.* Any future fence or gate modification along a public greenbelt or public street shall be subject to review and written approval of the Parks and General Services Superintendent or designee and shall comply with the City's Park and Greenbelt Gate and Fence Guidelines.
- C. *Common Area Fencing.* All fencing design, material and construction details for common area fencing shall be subject to review and approval of the Community Development Director or designee. All fencing within the common area shall be located fully on common area property. The property owners shall own and be responsible for maintenance and repair of all fencing located in common area(s).
- D. *Residential Lots.* All fencing design, material and construction details for residential lots shall be subject to review and approval of the Community Development Director or designee. Fencing shall conform to the City of Davis Standard Fence, Wall and Hedge requirements. Residential fencing shall be fully located on private property. The property owner will be responsible for maintenance and repair. The property owner shall be responsible for ensuring proper maintenance of fencing through CC&Rs.

**34. PROJECT LANDSCAPING.** The developer shall be responsible for installing landscaping and irrigation for the project including east greenbelt, north buffer, and private front yards in substantial conformance to the conceptual landscape plan dated August 24, 2009.

Final landscaping plan including tree and plant selection shall be subject to review and approval of Planning, Parks and General Services, and/or City Engineer, prior to issuance of the building permits. Installation of landscape areas within its respective phase shall occur prior to issuance of first Certificate of Occupancy in that phase. Landscape and irrigation plans shall specify the following: (FPD, DR)

- 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. Landscaping shall include drought tolerant landscaping features. Landscaping shall be drought tolerant (minimum 50%) and incorporate inactive vegetation to the maximum extent feasible. Use of turf shall be minimized.
- D. Location of all pavement, fencing, buildings, accessory structures, lighting poles, property lines, and other pertinent site plan features;
- E. Planting and installation details and notes including soil amendments;
- F. 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;
- G. Details of all irrigation (drip and sprinkler) equipment as well as all water utility equipment such as backflow preventers, controllers and metering devices shall be identified.

**35. RESIDENTIAL TREE PLANTING.** Trees shall be a minimum of 15 gallons in size. All trees shall be planted and staked in accordance with Parks and General Services standards. (DR)

**36. TREE MAINTENANCE.** All trees planted or preserved in common areas shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Any pruning of the trees, other than light pruning of no more than 25 percent of the foliage within any one growing season, requires review and approval of a Tree Modification Permit prior to the commencement of the work. Trees planted in the private drive or public access streets or common space lots within the subdivision are to be privately maintained. Provisions to enforce this condition shall be contained in the CC&R documents. (DR)

**37. TREE MODIFICATION PLAN.** A Tree Modification Permit shall be required for tree removals proposed for the project. A Tree Modification Permit is required prior to pruning the trees along Putah Creek and Mace Boulevard. Any trees along Mace Boulevard proposed for removal will need to be appraised and fees paid prior to issuing any building permits.(FPD, DR)

**38. TREE PROTECTION PLAN.** A Tree Protection plan shall be required for any existing trees on the property and any street trees adjacent to the project. The plan shall include a grading plan with the trees plotted on the plan. Compliance with the tree preservation plan is required before and during any site disturbance and construction activity and prior to issuance of building permits. (FPD, DR)

- 39. CITY STREET/GREENBELT TREES.** The developer shall provide an updated list of tree species for the street and greenbelt trees to be planted. Location of street tree easements and tree selection shall be subject to review and approval by Parks and General Services prior to recordation of Final Map. Pursuant to the applicable provisions of the City of Davis Tree Planting, Preservation and Protection Ordinance South Davis Specific Plan, in-lieu fees shall be paid for each single family lot that does not contain a street tree prior to issuance of Certificate of (TM, FPD, and DR)
- 40. STREET TREES.** Applicant shall be subject to street tree in-lieu fees for those lots not able to accommodate a street tree. (TM)
- 41. GREENBELTS.** Developer shall be responsible for the design and construction of the greenbelt and open space improvements on Parcels A and B and replacement of a portion of the existing bike path and associated landscape modification as shown on the Tentative Map. The portion of existing bike path to be removed shall be replaced with a pedestrian path constructed of AC grindings or similar materials to the satisfaction of the Parks and General Services Superintendent/Director, Fire Chief and City Engineer prior to issuance of the first Certificate of Occupancy for any lot within the subdivision. Plans for these improvements shall be submitted concurrent with all other subdivision improvement plans. The greenbelt design shall incorporate native and drought tolerant plants and xeriscape design concepts and should provide an appropriate design transition from the pond landscaping to the greenbelt to the satisfaction of the Parks & General Services Superintendent/Director.(TM)
- A. Applicant shall prepare deed restrictions for all lots abutting the greenbelt, Parcel A, and Parcel B, which permits construction of gates in the greenbelt fence for lots 16-25, subject to review and approval of the Parks and General Services Department. All other access modifications to the greenbelt, Parcel A, and/or Parcel B by the adjacent property owners shall be prohibited. These deed restrictions shall be recorded concurrently with first sale of each abutting lot, and shall be subject to the review and approval of the Parks and General Services Department and/or City Attorney prior to recordation of any Final Map(s).(FPD)
- B. A deed restriction shall be placed on residences abutting Parcel B (Lots 16 through 25, inclusive) which clearly states that construction of structures within the habitat buffer (within 50-feet of the tree line at the top of bank) is subject to California Department of Fish and Game review and approval. Each owner shall be required to sign a disclosure statement to that effect which will transfer with future sale of the property. (FPD)
- C. Prior to determination that an application is complete for the first Final Map, or the commencement of any grading activity, whichever occurs first, Developer shall submit for review and approval the proposed tree protection plan to the Urban Forest Manager/Arborist.(TM)

- D. Prior to determination that an application is complete for the first Final Map, a tree modification permit shall be obtained before any on-site demolition or earth moving occurs. This can be obtained online at: <http://cityofdavis.org/pgs/trees/pdfs/tree-modification-rev07-08.pdf>.
  - E. The final greenbelt and landscaping plans shall be submitted concurrently with the first Final Map application and subdivision improvement plan and shall be subject to the review and approval of the City Engineer and Parks and General Services Superintendent, prior to recordation of the first Final Map.
  - F. The design of the bicycle/pedestrian path alignment, radii at intersections, etc. are subject to the review and approval of the City Engineer and Parks and General Services Director prior to the approval of plans and specifications for the greenbelt, Parcel A, and Parcel B improvements. At a minimum, alignments, etc. shall be in compliance with Chapter 1000 of the Caltrans Highway Design Manual.
  - G. Bike path alignments with respect to existing trees and the planting of additional trees, if any, shall be done in such a manner as to minimize potential damage to paths due to tree roots.
- 42. BIKE LANE.** Sub divider shall construct a bicycle lane along Mace Boulevard for the entire length of the project and across the property to the south (the "Howell" property). Striping and/or widening to provide a bike lane along Mace Boulevard to the southern terminus of the Willowbank No. 9 improvements shall be included except as otherwise approved by the City Engineer. Existing travel lanes shall not be modified to provide for the bicycle lane. A minimum of 2-feet of existing pavement shall be saw cut and removed to provide a smooth transition. Construction of the widened bicycle lane shall include grading and improvements to accommodate drainage along Mace Boulevard and shall include improvements to maintain driveway access at the two existing locations to the Howell property. Details, including striping, shall be provided on the Improvement Plans and shall be subject to the review and approval of the City Engineer. (TM, FPD, DR)
- 43. 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. (PPD, PFD, DR)
- 44. LANDSCAPE ARCHITECT VERIFICATION OF WATER CONSERVATION.** The landscape architect for the approved plan shall submit a signed statement to the City upon installation confirming that the landscape irrigation and water conservation measures have been installed consistent with the approved plans and specifications. (DR)
- 45. RESIDENTIAL LANDSCAPING.** The applicant/developer shall install all front yard landscaping and irrigation in substantial conformance to conceptual plans submitted August 24, 2009. The applicant/developer shall install all rear yard landscaping and

irrigation for lots 23, 24, 25, 26, and 27. Landscape design shall be reviewed and approved by the City prior to issuance of permits (FPD, DR)

46. **Enhanced Landscaping.** The landscaping for the affordable units shall be enhanced beyond what is shown on the conceptual landscape plan, date stamped August 24, 2009. Shade and ornamental trees shall be planted where feasible for aesthetics and shade for the parking lot. Landscaping shall be used to screen the parking lot. (FPD, DR)
47. **ACCENT LANDSCAPING.** The applicant/developer shall install greenbelt landscaping and irrigation. Prior to City acceptance, landscaping and irrigation shall be maintained by the property owner. Landscaping design shall be reviewed and approved by the Parks and General Services Department and/or the Community Development Director, prior to issuance of permits. (FPD)
48. **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, Parks and General Services, and/or the Public Works Department prior to issuance of permits. (FPD, DR)
49. **MAINTENANCE STATEMENT.** The following statement shall be included on the final landscape plan set: "All common space landscaped areas shall be maintained in perpetuity upon completion and kept free from weeds and debris and maintained in a healthy, growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Any damaged, dead, diseased, or decaying plant material or tree shall be replaced within 30 days. Significant trimming or pruning will not be permitted without prior City approval." (FPD, DR)
50. **BIOLOGICAL SURVEY REQUIRED.** Prior to issuance of a grading/building permit or prior to discing or other improvement activities on the site, a biological clearance survey application shall be submitted by the applicant for review by the City Biologist. The study shall be consistent with City ordinances and shall address whether there are endangered and/or protected species on the site. This study will be a follow up to the study recently conducted for the entitlement applications hearing. The applicant shall implement all mitigation measures that are identified as required as a result of the survey. The survey shall be conducted not less than thirty days prior to any grading activity. A discing permit may be required. (TM, DR)
51. **GRADING PLAN.** The applicant shall submit a final grading plan for the project including Parcel A (the area for the drainage swale), Parcel B (the area for the pedestrian walkway adjacent to the El Macero Drainage District Channel), and the landscape area behind Mace Boulevard, shall prepared by a registered Civil Engineer, concurrent with the subdivision improvement plans for review and approval of the City Engineer. The grading plan shall be designed so as not to adversely affect adjacent properties. The applicant shall provide information showing where all proposed grading cuts/fills will occur within the canopy of any existing trees to remain to the Urban Forest Manager. All accessibility features and bicycle access routes are to be clearly delineated on the site.(TM, FPD)

- 52. GRADING.** Prior to approval of grading plans for this subdivision, applicant shall satisfy the City Engineer that the proposed grading will not adversely affect adjacent properties, particularly the property labeled Howell Trust on the map. In addition, retaining walls shall be provided by the applicant wherever the grade differential between adjacent lots is 0.5 feet or greater. Retaining walls of appropriate materials shall be provided when such grade differential is 1.0 feet or greater. (TM, DR)
- 53. APPROVED BUILDING DESIGN.** No substantive deviations from the approved building design may be permitted without another Design Review approval at first build out. Final building colors and elevations shall be in substantial conformance with the plans submitted and date stamped August 24, 2009. Minor changes may be approved through the minor improvement application process. (DR)
- 54. REQUIRED UNITS.** Five low/moderate affordable income units shall be provided by the project. A minimum of two low/moderate affordable income units shall be constructed before the issuance of the sixteenth market rate unit. Certificates of occupancy will not be provided on the remaining market rate units in the project until all low/moderate units have been issued a certificate of occupancy. (FPD, AHP)
- 55. AFFORDABLE UNIT SALE PRICES.** The affordable ownership units shall be sold at prices affordable to low-moderate income households, as defined in Article 18.05.020 and 18.06.060 of the City of Davis Municipal Code. All low/moderate income units shall be advertised and sold in accordance with the City's Buyer Selection Guidelines. A marketing and buyer selection plan shall be submitted to the City's housing staff for review and approval.(AHP)
- 56. INCOME ELIGIBILITY ON AFFORDABLE FOR-SALE UNITS.** Households purchasing the low/moderate income units shall have a gross annual income that is at or below 120% of Area Median Income for Yolo County, adjusted for household size, at the time of purchasing a low-moderate income unit. (AHP)
- 57. AFFORDABILITY REQUIREMENTS.** Required affordable low/moderate income units shall remain affordable over time and continue to ensure affordable housing opportunities for future income eligible households. The following requirements shall be established in a City-provided deed restriction recorded on the low/moderate income units and shall be subject to review and approval by the City Manager's Office prior to sale of the unit: (AHP)
- A. Owner-Occupancy Requirement, the Project developer agrees to record this requirement on each affordable unit, using the City's standard deed in accordance with Section 18.04 of Davis Municipal Code.
  - B. Resale of the low/moderate income units shall be administered under the City's Right of First Refusal Program. The Right of First Refusal, including the 1% administrative fee for carrying out this right allows the City of Davis the opportunity to either

purchase the unit upon resale or present a buyer for the unit within 60 days of a notice from the seller indicating their intent to sell, closing escrow on the unit within 90 days of notice or as agreed upon by buyer and seller. In cases where the City relinquishes its right or does not provide a buyer within 90 days, the owner of the unit shall also have a 90 day deadline to sell the unit before the Right of First Refusal is reinstated. In accordance with Section 18.05.050 of the Davis Municipal Code, an appreciation cap shall be included on these units through a restriction recorded on the deeds of the affordable units.

C. A Resale Report requirement will be recorded on the deed for each affordable unit. Ensuring that all future owners of the affordable units clear the City of Davis resale report prior to the close of escrow, in all circumstances where the unit is not exempt from the City's resale inspection. No findings in the City's resale report shall be transferred to the subsequent buyer of the unit.

- 58. AFFORDABLE HOUSING DISCLOSURE.** Developer shall provide written notice to all purchasers of lots or homes within the subdivision of the location and zoning for the affordable housing units until construction on these units is complete. The disclosure shall explicitly note that the affordable housing units are to be developed for low and moderate income households. Wording is subject to review and approval of the Community Development Department prior to occupancy. (AHP)
- 59. RESALE RESTRICTION.** Project developer agrees to record the City's required resale restriction to the deed of each low/moderate income unit upon its initial sale. (AHP)
- 60. PROPERTY MAINTENANCE.** The following statement shall be included on the site plan: "Prior to acceptance by the City, the applicants are responsible for maintaining all common area landscaping and irrigation, signs, structures, fences, bicycle and pedestrian paths, private drives, and other improvements in such a manner that does not detract from the appearance of the surrounding area." (DR)
- 61. PRECONSTRUCTION SURVEY AND TREE REPORT.** Prior to issuance of grading, disking or building permit, and prior to commencing any improvement activities or construction on the site the developer/applicant shall commission a preconstruction survey of the site and provide a detailed map of trees to be preserved and removed. An arborist report shall be submitted to the Parks and General Services Director or designee for review and approval which shall provide the condition and appraisal value of each tree to be removed.(ALL)
- 62. CONSTRUCTION TIMES AND NOISE.** The developer/applicant shall be responsible for informing all subcontractors and construction crews about construction start and finish times including appropriate ambient noise impacts consistent with City code and of all applicable mitigation measures. (FPD)
- 63. AFFORDABLE HOUSING DISTRIBUTION.** Prior to issuance of building permits, the developer shall submit a plan for marketing the affordable units and selecting and qualifying buyers. The plan shall be subject to review and approval of the City Manager's

Office and the City Attorney. Developer shall recognize that any commitments for sale of the units without City approval are invalid and are counter to this affordable housing plan approval. This plan shall be in compliance with the City of Davis Buyer/Tenant Selection Guidelines and the City's "workforce" preference system. (AHP, FPD)

64. **EXTERIOR LIGHTING.** Exterior lighting shall be directed so as to not adversely impact adjacent sites or traffic. 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. (DR)
65. **FINAL LIGHTING INSPECTION.** An on-site final inspection of the photometric standards shall be conducted by the electrical engineering consultant to confirm that all lights were correctly installed according to the approved photometric plan. Inspection shall include an evening inspection to confirm proper installation. (DR)
66. **PATHWAY LIGHTING.** Final pedestrian pathway lighting design, including, but not necessarily limited to, location, number, and type of fixtures, are subject to review and approval of the Community Development Department.(DR)
67. **SHADING.** South and West facing windows shall generally be shaded from the summer sun by using shade trees on the south and west building exposures. Landscaping shall be planted adjacent to a building face to the extent possible to help reduce heat and glare. (DR)
68. **CONSTRUCTION MANAGEMENT PLAN.** Prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and "good neighbor" information for review and approval by the Community Development and Public Works Departments. The plan shall include, but is not limited to, public notice requirements for periods of significant impacts (noise/vibration/street or parking lot closures, etc.), special street posting, construction vehicle parking plan, hours of construction activity, noise limits, dust control measures, and security fencing and temporary walkways. Work and/or storage of material or equipment within a City right-of-way may require the separate receipt of an Encroachment Permit. (DR)
69. **CONSTRUCTION WASTE RECYCLING.** The project shall comply with the City's Construction and Demolition Ordinance. (DR)
70. **GOOD NEIGHBOR RELATIONS.** The applicant shall provide e-mail and telephone listing for community concerns, names of persons who can be contacted to report concerns and correct problems. A copy of the contact information shall be provided to the Community Development Department. (DR)
71. **STORMWATER DRAINAGE.** Developer shall submit complete calculations demonstrating the adequacy of the increased storage to be accommodated by the adjacent stormwater

detention basin as well as adequacy of the swale and other BMPs to meet treatment measure requirements. Such calculations shall be provided concurrent with the subdivision improvement plans. The "Attachment 4" design storm shall be used for storm water quality purposes. The 10% event shall be analyzed to determine the adequacy of conveyance of stormwater flows. The 1% (100 yr) event shall be routed.(TM)

72. **DRAINAGE PLAN REQUIRED.** An on-site drainage plan to serve the subdivision shall be submitted for review and approval of the City Engineer concurrent with the subdivision improvement plans. Final calculations for the 10% and 1% storm events shall be provided.(TM)
73. **UTILITY PLAN.** A utility plan shall be approved by all applicable private utility providers. 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 Community Development Department. (DR)
74. **DRY UTILITIES.** Prior to approval of the final subdivision improvements plans, the applicant shall submit locations of joint trench and other dry utilities. Details shall include but not be limited to the following: HVAC, gas meters, and electrical boxes for each unit and service points, conduit wire sizes, and poles numbers for street lights. (TM)
75. **UTILITY IMPROVEMENT PLAN REVIEW.** All sizes, locations and grades of the utilities, including private common utilities to serve this project shall be subject to the review and approval of the City Engineer. Concurrent with submission of the Final Map, applicant shall submit improvement plans for the public improvements subject to review and approval of the City Engineer. If multiple final Maps are filed, phasing of improvements for future maps will be submitted by the Sub divider, subject to the review and approval of the City Engineer. The proposed water main shall be looped from the end of Pistachio Court to Mace Boulevard prior to the issuance of the first Certificate of Occupancy for any structure within this subdivision The applicant shall work with the utility companies and the US Postal Service to locate utilities and mail boxes in locations that will least impact on the landscaping around the affordable units and the landscaping along Mace Boulevard. (TM, FPD, DR)
76. **PROVISION OF RIGHT OF WAY IMPROVEMENTS.** The design and construction of all public improvements to serve the subdivision shall be subject to the review and approval of the City Engineer. (TM)
77. **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. 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 that encroaches within or over the public right-of-way, including, but not

limited to, balconies, fire ladders, water meters, backflow devices, signs and curb/gutter/sidewalk improvements. (DR)

**78. EROSION CONTROL PLAN REQUIRED.** An Erosion Control plan shall be prepared by a registered Civil Engineer, for review and approval by the City Engineer prior to the commencement of construction of subdivision improvements. This plan shall incorporate the following requirement(TM)

- A. This plan will include erosion control measures to be applied during the rainy season (the months of October through April, inclusive). These measures may include limitations on earth moving activities in sensitive areas during this time period.
- 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, perimeter ditches, etc.
- D. When building construction will be delayed beyond the next rainy season, the developer shall provide erosion control measures on each individual lot.

**79. EXCAVATION.** 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.(TM, FPD)

**80. SOILS.** The applicant shall have a soils investigation report prepared and the applicant shall comply with all recommendations contained within the report. Applicant shall provide soils report concurrent with submission of improvement plans. (DR)

**81. EASEMENTS.** Utilities located within common access areas shall be privately owned and maintained. Provisions shall be made for easements for common access, drainage, utilities and provisions for maintenance and repair of any shared utilities, driveways, or walkways. These provisions shall be subject to the review and approval of the Community Development Director, City Engineer and/or City Attorney prior to recordation of the Final Map(s) and prior to issuance of building permits. Reservation of the easements for reciprocal access, drainage, utilities and maintenance for shared facilities for this subdivision shall be shown on the Final Map. (TM)

**82. PUBLIC UTILITY EASEMENTS.** Public utility easements shall be provided as ten-foot public utility, tree planting, sign, and maintenance easements. (TM )

**83. SITE IMPROVEMENTS.** All improvements other than public sidewalk, curb, gutter, street and designated street trees in the public right of way shall be the responsibility of the abutting property owner to maintain (i.e. landscaping strips, landscaping, trees, bioswales, etc). Provisions for maintenance by abutting property owners shall be subject

to the approval of Community Development Director City Engineer and/or City Attorney.  
(TM, FPD, DR)

- 84. UNDEVELOPED SITE MAINTENANCE.** The applicant shall be responsible for the ongoing maintenance and upkeep of undeveloped portions of the project site in accordance with the City of Davis Municipal Code. All building pads shall be seeded and irrigated for erosion control. (DR)
- 85. TRASH MAINTENANCE.** The entire site shall be kept free of trash or debris at all times. (FPD, DR)
- 86. 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 Community Development and/or Public Works. (DR, TM)
- 87. AIR QUALITY DURING CONSTRUCTION.** The following actions shall be taken during construction to minimize temporary air quality impacts (dust): (DR)
- 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.
  - E. Contractors shall cover any stockpiles of soil, sand and similar materials.
  - F. Construction-related trucks shall be covered and installed with liners and on the project site shall be swept at the end of the day.
  - G. Re-vegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
  - H. Vehicle speeds shall not exceed 15 miles per hour on unpaved surfaces.
- 88. 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 APCD shall be implemented: (DR)
- 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.
- 89. NOISE REDUCTION PRACTICES.** The applicant shall employ noise-reducing construction practices. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise. (DR)
- A. All equipment shall have sound-control devices no less effective than those provided on the original equipment. No equipment shall have an un-muffled exhaust.
- B. As directed by the City, the developer shall implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.
- 90. GARBAGE AND GREEN WASTE.** Prior to or concurrently with the submittal of the Final Map, submit verification from Davis Waste Removal that they will be able to serve the project for garbage, recycling and green waste removal and that their vehicles will be able to accommodate waste removal from the proposed totter areas. (TM )
- 91. GARBAGE AND GREEN WASTE.** Times and locations for garbage and green waste storage adjacent to streets may be limited through the use of signage or other means. Provisions for such limitations shall be submitted at the time of Final Map and shall be subject to review and approval of the City Engineer. If signage is used to limit storage, developer shall pay for installation of signs. (TM, DR)
- 92. RODENT ABATEMENT.** Prior to any site disturbance activities, the applicant shall install fine meshed sediment fencing around the western (where feasible), southern and eastern edges of the project site. The fence shall be installed so that the bottom 2 inches of fencing material is buried. Mowing and grading shall begin at the southern most portion of the site and work northerly, to direct the movement of disturbed wildlife to the north. The fence shall remain in place until all vegetation is removed from the site. The sediment fence may be left in place to assist as an erosion control best management practice. The applicant shall offer, in writing, rodent abatement for the property owners located on Cottonwood Court, Pistachio Court and 1111 Mace Boulevard during construction activities. (TM )
- 93. SIGNS.** Applicant shall pay for the installation of No Parking signs where on-street parking is prohibited within the development. The signs shall be installed concurrently with the public street improvements. Applicant shall disclose the parking prohibition to all potential buyers, in writing. The form of the notice shall be subject to the review and approval of the City Engineer and/or City Attorney prior to the recordation of the Final Map. (TM, DR)
- 94. STREET SIGNAGE.** A sign that says "Dead End" shall be installed at the end of street named Sugar Pine Place, as shown on the tentative map date stamped August 24, 2009.

**95. STREET LIGHTING.** Final street lighting design, including location and number of fixtures, are subject to the review and approval of the City Engineer. (TM, FPD, DR)

**96. PAVEMENT DESIGN.** At submittal of improvement plans, provide details of pavement treatment including type, thickness, and other design details subject to review and approval of the City Engineer. All street sections shall be designed based on the sub grade "R" value and the Traffic Index (TI). The TI for streets shall be as follows:

<u>Street Classification</u>	<u>TI</u>
Local	5.5
Cul-de-sac	5.0

**97. PROJECT IDENTIFICATION AND STREET ADDRESSES.** The applicant shall provide street names subject to the review and approval of the City Engineer in consultation with the City's Emergency Services Department at the time of submittal of the Final Map. Street names shall be consistent with the adopted street naming convention in the area (trees).(TM, FPD, DR)

**98. NATURAL VENTILATION.** All of the south facing windows on the upper floor(s) of the building(s) shall be operable to allow natural ventilation of units/tenant spaces. Adequate natural ventilation must be demonstrated prior to issuance of occupancy for all units. (DR)

**99. COMPLIANCE WITH CONDITIONS.** Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City of Davis Community Development Department. The site and buildings shall be inspected for compliance prior to the issuance of a certificate of occupancy. (ALL)

**100. COMMUNITY IMPROVEMENTS.** Prior to issuance of the first certificate of occupancy the off site community improvements to the bicycle/pedestrian path, pedestrian path and the drainage pond shall be completed. (TM)

**101. DEDICATION.** The applicant shall install a placard on or near a bench adjacent to the pedestrian path in honor of the Howell Family, the original property owners of the properties commonly known as Willowbank 9, 10 and the proposed project site. The placard design, location and method of mounting shall be subject to the review and approval of the Community development director. (FPD, DR)

**102. GREEN HOUSE GAS REDUCTION.** The applicant shall comply with the Green House Gas Reduction measures in accordance with the Development Agreement. (ALL)

**103. AFFORDABLE UNITS DEVELOPMENT RESTRICTIONS.** The affordable units located on Lots 23-27 shall be restricted from further development. Exterior additions, second units, carports, vehicle shade structures and garages are expressly prohibited. (ALL)

**104. AFFORDABLE UNITS PARKING.** Two spaces per unit shall be provided on site. The fully accessible unit located on Lot 23 shall have the two parking spaces directly in front of the unit. The entire affordable unit parking area shall have decorative-colored pavement treatments. The final parking lot layout and finishing materials shall be subject to review and approval by the Community Development and Public Works Departments.(ALL)

### **III. ENVIRONMENTAL:**

The following mitigation measures and standard conditions apply to the new Planned Development District.

#### **MITIGATED NEGATIVE DECLARATION #5-08**

##### **MITIGATION MEASURES:**

##### **Mitigation Measure 1. Loss of Burrowing Owl Nesting Habitat**

Burrowing owls, a state Species of Special Concern, have not been documented nesting within the vicinity of the project site. Burrowing owls require burrows similar in dimension to that of the California ground squirrel. Squirrels currently do not use the site and burrows are lacking. Therefore, the site does not offer suitable nesting habitat for burrowing owls.

**1a)** A biological survey shall be conducted two weeks prior to commencement of construction activities on the site. The study shall be consistent with city ordinances and shall address whether there are endangered and/or protected species on the site. The applicant shall implement all mitigation measures that are identified as required as a result of the survey.

##### **Mitigation Measure 2. Loss of Swainson's Hawk Nesting Habitat**

Swainson's hawk nesting has historically occurred near the site along the north Putah Creek channel and the El Macero Golf Course, and these areas may support nesting in the future. Swainson's hawks are known to nest within one-quarter mile of the proposed project. Implementation of the proposed project could result in the loss of nesting habitat or lead to the failure of active nests, which would be considered potentially significant. The following mitigation measure would be necessary to reduce the adverse effects to Swainson's hawk nesting habitat to a less than significant level.

**2a)** If avoidance of project activity (grading or new construction) during the breeding season is not feasible, a qualified biologist shall conduct a pre-construction survey to determine the nesting status of Swainson's hawk on site and within one-quarter mile of the project site. This shall be a condition of any grading permit. The survey shall be conducted no less than 14 days and no more than 20 days before the beginning of construction (including equipment and materials staging) between the months of April and early September. If no active nests are found during the survey, no further mitigation for nesting Swainson's hawk shall be required.

**2b)** If during the focused survey mitigation for nesting Swainson's hawk nests are identified on-site or within one-quarter mile of the proposed, no construction shall be allowed until a qualified biologist determines that the young have fledged (able to forage independently from adults), or that the nest has failed and becomes inactive. Any trees containing nests that must be removed as a result of the proposed project shall only be removed during the non-breeding season (September to March). Additional mitigation measures may be necessary in this instance as dictated by the California Department of Fish and Game.