



Council Agenda Report

SUBJECT: GIBBS RANCH/LIBERTY DEVELOPMENT - AMENDING DEVELOPMENT AGREEMENT; PLANNED UNIT DEVELOPMENT REGULATIONS; AND CONDITION NO. 38 OF VESTING TENTATIVE MAP

MEETING

DATE: AUGUST 15, 2017

RECOMMENDATION

City staff recommends that the City Council of the City of Rio Vista:

- Receive the staff report and enter it into record;
- Open the public hearing; take public comment, and close the public hearing;
- Subject to public comments and Council deliberation:
 1. Introduce by title only and waive the first full reading of **Ordinance No. 006-2017** approving the second amendment to Development Agreement (dated 8/1/1991 and 3/22/2001) for development known as Gibb Ranch/Liberty and direct the ordinance be returned for second reading and adoption.
 2. Introduce by title only and waive the first full reading of **Ordinance No. 007-2017** approving the second amendment of the Planned Unit Development Regulations (dated 9/6/2000) for development known as Gibbs Ranch/Liberty and direct the ordinance be returned for second reading and adoption.
 3. Adopt **Resolution No. 2017-061** amending Condition No. 38 of Vesting Tentative Map (dated 2/16/2006) for development known as Gibbs Ranch/Liberty.

DISCUSSION

This matter was scheduled for the meeting of August 1, 2017 and was re-noticed for today's meeting.

Encore Liberty, LLC., the applicant and property owner, is requesting: (1) Amendments to the Original and 1st Amendment of the Development Agreement; (2) Amendments to the Planned Unit Development Regulations; and (3) Amendment of Condition No. 38 of the Conditions of Approval of the Vesting Map pertaining to Second Residential Units.

The subject site is approximately 330 Acres in size, located at the northwest corner of Liberty Island Road and Airport Road. The original Gibbs Ranch proposal constituted a maximum of 929 conventional single-family homes or 1127 senior housing or some combination of both. The term of the development agreement was for 30 years with an expiration date in 2021. Currently the project is vested with all lots recorded and most of the infrastructure in place. The original plan was to build conventional single family homes; however, Encore Liberty, LLC wishes to build 220 market rate/conventional homes and a 635-unit active-adult, gated, housing complex.

A. DEVELOPMENT AGREEMENT

1. Original Development Agreement, dated 08/01/1991:

Development Agreement, dated 08/01/1991, was approved by Ord. 494, and recorded on 9/4/1991.

The Applicant is requesting that Section 4.03 (b) iv of the Original Development Agreement (Page 22) be amended as follows:

From:

"the maximum size of residential homes, related structures and other buildings and structures shall be the applicable maximum size set forth in the Specific Plan and PUD permit, including any provisions of the City zoning ordinance or other laws referred to or incorporated by reference (which were in effect on the Effective Date), subject to an overall maximum lot coverage of fifty percent (50%) for Senior Units, forty percent (40%) for Unrestricted Unit residences and an overall maximum lot coverage for other structures equal to the applicable limit set forth in the City's zoning ordinances as in effect on the Effective Date;"

To:

"the maximum size of residential homes, related structures and other buildings and structures shall be the applicable maximum size set forth in the Specific Plan and PUD permit, including any provisions of the City zoning ordinance or other laws referred to or incorporated by reference (which were in effect on the Effective Date), ~~subject to an~~ *except that the overall maximum lot coverage of for 5,000 square foot lots shall be sixty-five percent (65%)* ~~fifty percent (50%)~~ for Senior Units, ~~sixty percent (60%)~~ *forty percent (40%)* for Unrestricted Unit residences and an overall maximum lot coverage for other structures equal to the applicable limit set forth in the City's zoning ordinances as in effect on the Effective Date;"

Staff Analysis: The applicant has stated that the existing standard is very restrictive for single story plans on 5,000 square-foot lots. After subtracting roof overhang, garage, and porches, the existing standard would limit the size of a one-story house to approx. 2400 square feet. Staff believes that the requested changes are reasonable.

2. 1st Amendment to Development Agreement . Dated 3/22/2001:

The Applicant is requesting that Section 4.21 (b) (ii) of the 1st Amendment to the Development Agreement (Page 20) dated 3/22/2001 be amended as follows:

From:

"(b) Likewise, Developer shall be allowed to develop either:

- (i) Those clubhouses as were shown on the originally approved Vesting Tentative Map; or
- (ii) A Master clubhouse facility (one) or multiple facilities for the Senior Unit project on those areas within the Project Site Developer chooses, provided that Developer constructs the equivalent of at least 5,000 square feet of clubhouse facility per 400 Senior Units. Further provided that all gas well sites and related clear areas designated on the VTM and Exhibit G (subpart G-1 through G-3, G-4) be developed as common open space containing at a minimum, simple landscaping such as turf

and trees. If a well site is utilized for drilling after open space development, Developer shall restore the previously developed open space, amenities and landscaping after drilling is complete, subject to the Accommodation Agreement. ”

To:

4.21 (b) (ii) shall be amended as follows:

“A Master clubhouse facility (one) or multiple facilities for the Senior Unit project on those areas within the Project Site Developer chooses, provided that Developer constructs the equivalent of at least ~~5,000~~ 3,000 square feet of clubhouse facility per 400 Senior Units. Further provided that all gas well sites and related clear areas designated on the VTM and Exhibit G (subpart G-1 through G-3, G-4) be developed as common open space containing at a minimum, simple landscaping such as turf and trees. If a well site is utilized for drilling after open space development, Developer shall restore the previously developed open space, amenities and landscaping after drilling is complete, subject to the Accommodation Agreement.”

Staff Analysis: The original ratio of clubhouse requirement in the Development Agreement reflects that which was required for the Trilogy Development.

B. PLANNED UNIT DEVELOPMENT REGULATIONS, 9/6/2000:

The Original Planned Unit Development was approved by the City Council on 08/01/1991. It was amended by the Planning Commission on 9/6/2000.

Planned Unit Development Regulations - Amendments Requested:

The Applicant is requesting the following changes:

1. Garage locations [Page 7 of PUD Regulations]

Existing Regulation: “For single family detached housing with lot widths 70 feet or greater, the garage can be placed anywhere on the lot, so long as other applicable setbacks and requirements are met. On lots less than 70 feet in width, at least two-thirds (67%) of all garages and carports are to be recessed garages (garage door setback a minimum of 25 feet from the front property line of the lot). At least one-third (33%) of all garages must be placed in the rear half of the lot (preferred garage locations are shown in the following diagram).”

Proposed Change: “On lots less than 70 feet in width, at least one-third (33%) of all garages are to be recessed garages (garage door setback a minimum of 22 feet from the front property line of the lot).”

Staff Analysis: Since alleys have been eliminated from the program, the deep-set garage is no longer appropriate. The goal of breaking up the front massing by offsetting the garage can be accomplished with an additional two feet of setback instead of five feet. The first sentence of the paragraph is recommended to be retained.

2. Architectural elements and setbacks [Page 10 of PUD Regulations]

Existing Regulation: “Porches, bay windows, chimneys, and similar projecting architectural elements are required across at least 50% of the front width of each house. Porches must be at least 6 feet in depth.”

Proposed Change: *"Porches, bay windows, chimneys, and similar projecting architectural elements are required across at least 20% of the front width of each house. Porches must be at least 4 feet in depth."*

Staff Analysis: It is not practical to use such elements as bay windows, chimneys, or other architectural projections across 50% of the front elevation. Effectively, this means that house would have to have a front porch, which would be monotonous and expensive. This also restricts the types of architectural styles that can be utilized. With regard to the depth of the porch, a minimum width of six feet is required for turn-around space for wheel-chair users on the porch; hence the Planning Commission required a minimum width of six feet and the proposed ordinance contains this standard.

Existing Regulation: "Garage doors shall not dominate the building frontage. Garage doors shall not account for more than 40% of the width of the house facing a fronting street. Garage doors facing the fronting street must be set back at least five feet farther than porches or front wall of the structure."

Proposed Change: *"Garage doors shall not dominate the building frontage. Garage doors shall not account for more than 46% of the width of the house facing a fronting street. Garage doors facing the fronting street must be set back at least four feet farther than porches or front wall of the structure."*

Staff Analysis: The requirement as written effectively requires that all two-car garage houses on a 50 foot wide lot be built to the maximum width of 40 feet. This creates a monotonous street scene and disallows smaller homes without designing "wide-shallow" houses. This is especially impactful on active adult home design. Changing the garage percentage from 40% to 46% allows for the use of 35 foot wide homes.

Existing Regulation: "Side and rear facades of buildings shall be treated with the same quality of design as the front elevations."

Proposed Change: Eliminate this regulation.

Staff Analysis: Applicant opined that this requirement is financially burdensome to build, maintain, and enforce. Additionally, history has shown that the inclusion of more features that require maintenance only serves to lessen the quality of the community over time. In projects where there is no HOA, there is no mechanism to enforce the maintenance of such features unless the city enforces them. This regulation also provides a disincentive for builders to design more attractive front elevations. However, staff has added a requirement that the street side of the buildings shall be treated with the same quality of design as the front elevations.

3. Maximum coverage [Page 11 PUD Regulations]

Existing Regulation: "60% maximum including all solid roof areas."

Proposed Change: "overall maximum lot coverage for 5,000 square foot lots shall be sixty-five percent (65%) for Senior Units, sixty percent (60%) for Unrestricted Unit residences and an overall maximum lot coverage for other structures equal to the applicable limit set forth in the City's zoning ordinances as in effect on the Effective Date."

Staff Analysis: This is very restrictive for single story plans on 5000 square foot lots. After subtracting roof overhang, garage, and porches, this would severely limit the size of a one-story house (to approximately 2400 square feet).

4. Multiple Family and Attached Single Family Residential [Page 12 of PUD Regulations]

Existing Regulation: "Multiple family residential shall consist of at least 10% of the total dwelling units in the site. In determining the total project unit limitation, multifamily units shall be counted as the equivalent of six-tenths (0.6) single family units. For example, 100 multifamily units are the equivalent of 60 single family units. Multifamily units should be located adjacent to or in proximity to the central park/school site."

"Carriage units: auxiliary or second dwelling units may be counted toward meeting the multiple family requirement at the following ratio: one such unit is equivalent to two-thirds (0.67) multiple family units. For purposes of calculating the total project unit limitation, multifamily units shall be counted as the equivalent of four-tenths ($0.6 \times 0.67 = 0.4$) single family units. That is, 100 carriage units or secondary dwelling units are the equivalent of 67 multifamily units or 40 single family units."

Proposed Change: *"Multiple family residential shall consist of at least 10% of the total dwelling units in the site. In determining the total project unit limitation, multifamily units shall be counted as the equivalent of six-tenths (0.6) single family units. For example, 100 multifamily units are the equivalent of 60 single family units. ~~Multifamily units should be located adjacent to or in proximity to the central park/school site.~~"*

Delete Carriage Unit requirements.

"The multifamily requirement can be met by the inclusion of a for-sale or for-rent attached product type in phase three of the project. This product type can be duets (duplexes), apartments, townhouses, or condominiums."

Staff Analysis: The original concept for this project is no longer appropriate in the current real estate market. Rio Vista's current real estate need is market rate entry level housing and active adult. Carriage units are not appropriate or desired in either of these product types. It is more appropriate and far more beneficial to the multifamily market segment to provide a product that more effectively addresses this segment directly. Given that the streets and utilities have been installed on phases 1 and 2 at Liberty, the only practical way to address this requirement is to design and build the multifamily units in phase 3.

C. VESTING TENTATIVE MAP:

The Vesting Tentative Map was approved on 2/16/2006.

Condition of Approval No. 38 pertaining to Second Residential Units is requested to be changed as follows:

From:

38) Consistent with City policy and land use regulations, the applicant has proposed the development of 129 "second units" be added to identify single family lots within the subdivision map per map exhibit 1. The applicant has proposed these second units be generally reflecting their percentage of the overall housing proposed for each project phase. The Community Development Director shall approve the mix of second units constructed prior to authorization to record phased final maps. For purpose of City impact fee calculations, the second units shall not exceed forty percent (40%) of the fee required for single family residences, subject to any offsets, credits or reductions applicable to single

family units, and to any additional offsets, credits or other reductions that may be available or applicable.”

To:

In lieu of providing 129 “second units” as defined in item 38 of the Gibbs Ranch Vesting Tentative Map Conditions of Approval (dated August 18, 2005), applicant shall provide an enclave of 65 duet residential units (a total of 130 units) in phase three of the Liberty project. These multi-family units, which are situated in the active adult portion of the community, shall be targeted at single occupant households by way of size and architecture. Phase three shall be reconfigured to include these multi-family units. For purpose of City impact fee calculations, the multi-family units shall not exceed forty percent (40%) of the fee required for single family residences, subject to any offsets, credits or reductions applicable to single family units, and to any additional offsets, credits or other reductions that may be available or applicable.

ENVIRONMENTAL REVIEW

The environmental impacts of the project are within the scope of the EIR certified by the City Council on April 19, 1990, for the Project. No additional environmental review is necessary.

FINANCIAL CONSIDERATIONS

None

ALTERNATIVES

The Council may decide not to adopt the proposed actions.

SUBMITTED BY

Issac A. George, Community Development Director

- Attachments:
1. Ordinance – Development Agreement Amendment
 2. Ordinance – Planned Unit Development Amendment
 3. Resolution of Approval-Vesting Map-Amendment of Conditions of Approval
 4. Site Map
 5. Original Development Agreement dated 8/1/1991
 6. 1st Amendment to the Development Agreement dated 3/22/2001
 7. Planned Unit Development Regulation dated 9/6/2000
 8. City Council Resolution 2006-19, dated 2/16/2006, Amending Conditions of Approval of Tentative Subdivision Map.
 9. Representational Street View with buildings applying proposed, PUD standards