



# CITY OF VACAVILLE

650 MERCHANT STREET  
VACAVILLE, CALIFORNIA 95688-6908  
www.cityofvacaville.com  
707-449-5100

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Councilmember

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MITCH MASHBURN  
Councilmember

ESTABLISHED 1850

July 20, 2016

Community Development Department  
Planning Division

Mr. Sergio Perez  
CalAtlantic Homes  
4750 Willow Road, Suite 150  
Pleasanton, CA 94588

**SUBJECT: THE RESERVE AT BROWN VALLEY PHASE III APPROVAL**  
**Northeast side of McMurtry Lane**  
**Planned Development (File No. 16-078)**

Dear Mr. Perez:

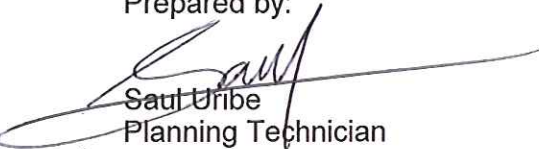
At the July 19, 2016 regular meeting of the City of Vacaville Planning Commission, your Planned Development proposal to construct five house plans at the Reserve at Browns Valley Phase III was considered. The five house plans range in size from 2,678 sq. ft. to 4,243 sq. ft. in floor area. The application includes requests for exceptions to the City's residential development standards regarding reduced building setbacks; setbacks adjoining open space; allowing the same house plan/elevation combinations on the same street; and allowing more than four two-story homes in a row. The requested exceptions also include changes to the previous conditions of approval for the Rice-McMurtry approval related to: fire access lanes; fencing materials adjoining open space; and retaining wall heights. Please be advised that the Planning Commission approved your requests, subject to the conditions of approval. Attached are the adopted project resolution and the conditions of approval.

This approval shall become effective immediately unless a written appeal to the City Council is submitted within ten (10) calendar days. To appeal this decision, a written appeal application and the accompanying fee must be submitted to the City Clerk's office located in City Hall at 650 Merchant Street on or before 5:00 pm on July 29, 2016.

The approval shall expire on August 12, 2024, unless Building Permits are issued and construction commenced and diligently pursued prior to the expiration date, or an application for a time extension is filed prior to the expiration date. Final building plans shall reflect all conditions of approval and mitigation measures. If you have any questions, please feel to contact me at (707) 449-5140 or the Permit Services Division at (707) 449-5152.

Sincerely,  
Peyman Behvand  
City Planner

Prepared by:

  
Saul Uribe  
Planning Technician

**RESOLUTION NO. 16-078**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VACAVILLE  
REAFFIRMING THE PREVIOUS ENVIRONMENTAL ASSESSMENTS AND APPROVING THE  
RESERVE AT BROWNS VALLEY PHASE III HOUSE PLANS PLANNED DEVELOPMENT**

**WHEREAS**, the Planning Commission of the City of Vacaville conducted a hearing on July 19, 2016, to consider The Reserve at Browns Valley Phase III House Plans.

The Reserve at Browns Valley Phase III Subdivision  
Northeast of the McMurtry Lane Turn  
APN: 0123-040-200

**WHEREAS**, on April 27, 2004, the City Council of the City of Vacaville approved Resolution No. 2004-39 approving the Rice-McMurtry Project Area and approved the General Plan Amendment, Annexation, Zone Change; and

**WHEREAS**, on April 27, 2004, the City Council of the City of Vacaville approved Resolution No. 2004-29 certifying the Rice-McMurtry Project Environmental Impact Report; and

**WHEREAS**, on May 11, 2004, the City Council of the City of Vacaville adopted Ordinance No. 1716 approving and authorizing the execution of the Development Agreement by And between R.W. Hertel & Sons, Inc., Bryant Stocking And Richard Lamphere Regarding The Development of the real property commonly referred to as, "Reynolds Ranch", "Knoll Creek", And "Rogers Ranch"; and

**WHEREAS**, on March 22, 2005, the City Council of the City of Vacaville unanimously approved Resolution No. 2005-38 approving the Planned Development and Vesting Tentative Subdivision Map for the Rogers Ranch Project; and

**WHEREAS**, on July 8, 2014, the City Council of the City of Vacaville approved Resolution No. 2014-070, approving and adopting an addendum to the EIR which memorialized the City's determination that the EIR adequately addressed the proposed modifications to the Planned Development Permits and the proposed amendments to the Original Development Agreement and made all of findings required by CEQA; and

**WHEREAS**, on August 12, 2014, the City Council of the City of Vacaville approved Ordinance No. 1871 amending the Development Agreement between the City of Vacaville and Western Pacific Housing, Inc., Standard Pacific Homes, and Rogers Ranch, LLC for the projects referred to as "Reynolds Ranch", "Knoll Creek", and "Rogers Ranch"; and

**WHEREAS**, the public hearing before the Planning Commission was duly noticed in accordance with applicable state law and the Vacaville Development Code requirements; and

**WHEREAS**, the Planning Commission has reviewed the written record for a reaffirmation of the Rice-McMurtry Project Environmental Impact Report and Addendum to the EIR, on the basis of the factual information, approves a reaffirmation of the previous environmental assessment, based on the following findings:



4. That the standards of density, site area and dimensions, site coverage, yard area, setbacks, height of structures, distances between structures, off-street parking, off street loading facilities, and landscaping are generally compatible with surrounding neighborhoods; *The surrounding neighborhoods consist of similar Residential Estates (RE) subdivisions. Homes within the surrounding neighborhoods also obtained exceptions to development standards, similar to those being requested for this project. The project will be compatible with the surrounding neighborhoods.*
  
5. That adequate public facilities, including water, sewer, parks, schools, and other facilities are available to serve the site or will be made available as a condition of approval to serve the proposed development, without adversely affecting the existing public facilities serving surrounding neighborhoods; *The project will be located in the Rice-McMurtry residential area, which has been designed with adequate public facilities and utilities to accommodate the proposed house plans. As proposed, the project will be served by existing and future public facilities and utilities, which include the Zone 2 water tank and booster system.*
  
6. That projected traffic levels and levels of service are, or as a result of conditions of approval, will be consistent with the policies of the Transportation Element of the General Plan; *The Rice-McMurtry Project Environmental Impact Report was originally approved and certified on April, 2004. At that time, the Vacaville City Council confirmed that the EIR was consistent with the Vacaville General Plan, including the Transportation Element. As proposed, the project does not include any changes to the original traffic analysis described in the 2004 EIR therefore, the project will be consistent with the Rice-McMurtry Project EIR and the Transportation Element of the Vacaville General Plan.*
  
7. That the potential impacts to the City's inventory of residential lands have been considered; *The proposed project will introduce house plans for 29 previously approved single-family residential lots in an area that was previously planned and designed for new residential development. As proposed and conditioned, the project will not affect the amount of residential lands that were previously designated by the original Rice-McMurtry development approval.*

**NOW, BE IT RESOLVED**, that the Planning Commission does hereby reaffirm the Rice-McMurtry Project Environmental Impact Report (State Clearinghouse No. 2003072092) and approve The Reserve at Browns Valley Phase III House Plans Planned Development, subject to the conditions of approval (Exhibit B) attached hereto and incorporated by reference to this resolution.

**I HEREBY CERTIFY** that the foregoing resolution was introduced and passed at a regular meeting of the Planning Commission of the City of Vacaville, held on the 19<sup>th</sup> day of July, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Barton Brierley  
 Barton Brierley, AICP, Director of Community Development

**EXHIBIT A**

**THE RESERVE AT BROWNS VALLEY PHASE III SUBDIVISION HOUSE PLANS**  
**Northeast side of McMurtry Lane**  
**Planned Development**  
**Conditions of Approval**  
**File No. 16-078**

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**I. Standard Conditions of Approval:**

The Applicant (CalAtlantic Homes) shall comply with all applicable Standard Conditions of Approval. In the event of a conflict between the Standard Conditions of Approval and these Conditions, these conditions shall prevail.

**II. Project-Specific Conditions:**

The applicant (CalAtlantic Homes) shall comply with the following Project-Specific Conditions:

**PLANNING**

1. This action approves the Planned Development request to construct five house plans for The Reserve at Browns Valley Phase III, also known as Rogers Ranch. The subdivision is located on the northeast side of the McMurtry Lane turn. The project site is located in a RE-12 Zoning District (Minimum 12,000 sq. ft. lots). The subdivision consists of 29 lots ranging from 12,299 sq. ft. to 20,622 sq. ft. in area. The applicant is proposing five house plans ranging from 2,678 sq. ft. to 4,243 sq. ft. of floor area. The Rogers Ranch house plans are similar to the house plans at The Reserve at Browns Valley (Phase I) and Knoll Creek (Phase II). In addition to the existing house plans the applicant is introducing a new house plan (Plan 6), and will not be using a previously approved house plan (Plan 2).

The exterior materials include stucco, siding, stone veneers, concrete tile roofing and foam shutters. There are two single-story and three two-story house plans consisting of four elevations each: (1) European Cottage, (2) Spanish, (3) Tuscan and (4) Bay Area Bungalow. The house plans include 4-5 bedrooms, 3-4.5 bathrooms, kitchen and dining areas, great rooms and other options. This action approves exceptions to residential development standards to reduce the front yard setbacks to a minimum 15 ft. for 13 lots (Lots: 1, 7, 10, 14, 15, 16, 18, 19, 20, 22, 23, 27, and 29). This action approves eight two story house plans on lots 16 through 23. This action approves the same house plan / elevation combination on the same street.

This action also approves adding a Plan 6 model home on Lot 7 of the model home complex located at the Reserve at Browns Valley Phase I.

2. Per the Rice-McMurtry Development Agreement, Section 3.D Term of Subdivision Maps and Use Permits, the term of design review approvals shall be extended to run concurrently with the term of the agreement. Therefore, The Reserve at Browns Valley Phase III House Plans approval shall expire on August 12, 2024, unless Building Permit



are issued and construction commenced and diligently pursued prior to the expiration date, or an application for a time extension is filed prior to the expiration date.

3. Plans submitted for Building Permits shall be in substantial compliance with plans approved by this action and dated July 19, 2016, except as modified by these conditions of approval. Any modifications to the approved development plan, project description, house plans, or landscape plan, except as modified by these conditions of approval, shall be subject to review and approval by the Director of Community Development and may require a separate Planning entitlement review process.
4. The Standard Conditions of Approval and the Project Specific Conditions set forth herein shall run with the land and shall apply to the Project Applicant and to all future owners of the property. (Cohn v. County Board of Supervisors (1955) Cal. App. 2d. 180, 184)
5. Homes with the same floor plan/elevation/color scheme combination shall not be placed next to each other, or directly across the street from each other.
6. This action approves five (5) house plans, each with four elevations. No single house plan, with the same floor plan/elevation/color scheme combination, shall be used more than four times within the residential project.
7. Plot plans submitted for Building Permits shall identify the minimum building setbacks for the proposed houses, measured from the property line to the foundation:
  - Front: 25 ft. with 20 ft. to unenclosed porch.
  - Front: 15 ft. to side-entry garage (Lots 1, 7, 10, 14, 15, 16, 18, 19, 20, 22, 23, 27, and 29, the minimum front yard shall be 15 ft. to side-entry garage.)
  - Sides: 10 ft. and 15 ft.
  - Rear: 20 ft.

The plot plans shall also identify the actual coverage of the parcel, and the maximum allowable coverage for the parcel.

8. Plans submitted for Building Permits shall identify the minimum building setbacks for the Plan 6 model home, measured from the property line to the foundation:
  - Front: 25 ft., 20 ft. to unenclosed porch.
  - Sides: 10 ft.
  - Rear: 20 ft.
9. Maximum lot coverage shall not exceed 40 percent in the RE-12 and RE-10 zoning district. The lot coverage shall include accessory structures.
10. Plans submitted for Building Permits shall include a Final Landscape Plan subject to review and approval by the Community Development Director, which shall include the following:
  - a. Street trees shall be a minimum fifteen (15) gallon drought-tolerant tree type.
  - b. Trees shall not be planted directly on top of any water or sewer lines. Trees planted near utilities shall include linear root barrier panels to protect the utility lines from root encroachment.

- c. All areas within the site not used or specifically intended for structures, parking, or other necessary site improvements, shall be landscaped.
  - d. All landscape planters shall contain appropriate soil amendments to ensure sustained growth of trees and shrubs.
  - e. The Final Landscape Plan shall include landscaping improvements on the Private Landscape Easement on lots 15, 16, and 29 to be maintain by the property owner.
  - f. All landscaping must be continuously maintained in a healthy and attractive condition, free of weeds and debris, in accordance with the approved plans. Dead and dying plant materials shall be replaced with healthy specimens as necessary.
  - g. All landscaping shall comply with the City's Water Efficient Landscaping Regulations. The landscape and irrigation plans are subject to review and approval by the Director of Community Development.
11. On an ongoing basis, at least one street tree shall be located within the required front yard of all dwelling units/lots. The applicant/builder shall ensure that front yard trees are not placed near utilities or improvements that could be impacted by tree roots.
12. On an ongoing basis, no more than fifty (50) percent of the required front yard shall be paved with concrete, asphalt, or other similar impervious materials.
13. The developer shall provide decorative driveways and walkways and no asphalt will be allowed. Acceptable materials include, but are not limited to: colored and/or stamped concrete, exposed aggregate, stone and stone veneer, and brick and brick veneer.
14. Specific signage shall not be approved with this action. All signage for the site shall be subject to a separate sign permit from the Building Division and shall comply with Chapter 14.09.132 (Supplemental Standards - Signs) of the Land Use and Development Code.
15. Covenants, Conditions & Restrictions (CC&Rs) shall be prepared for this subdivision and submitted for review and approval by the Director of Community Development, in accordance with the original Rogers Ranch conditions of approval.
16. The Grading Plan shall include the following dust control measures:
- a. All soil piles generated in conjunction with the project shall be enclosed, covered or watered twice daily.
  - b. All exposed soil shall be watered with adequate frequency to keep soil moist at all times.
  - c. The loads of all haul/dump trucks shall be covered securely to keep dirt under control.
  - d. The contractor shall apply nontoxic soil stabilizers or dust suppressants to all internal unpaved haul roads, paving areas and staging areas, and enforce a 15 mph speed limit for all vehicles operating within the unpaved areas of the site.
  - e. Exposed soil shall be replanted as soon as possible.
  - f. Clean/sweep street at the end of the day if visible soil material is carried onto adjacent public paved roads.



17. Hours of noise producing construction shall be from 7:00 a.m. to 6:00 p.m., Monday through Saturday. Construction activities shall conform to the following standards:
  - a. there shall be no start-up of machines or equipment, no delivery of materials or equipment, no cleaning of machines or equipment and no servicing of equipment except during the permitted hours of construction;
  - b. radios played at high volume, loud talking and other forms of communication constituting a nuisance shall not be permitted; and
  - c. there shall be no construction on Sundays or legal holidays. Exceptions to these time restrictions may be granted by the Director of Community Development for one of the following reasons: (1) inclement weather affecting work; (2) emergency work; or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors so as to constitute a nuisance. The Director of Community Development must be notified and must approve the work in advance.
18. Section 14.09.072.150 (D) of the City of Vacaville Land Use and Development Code states: "A permit or entitlement may be revoked for reasons which include, but are not limited to, any of the following: (1) Failure to comply with the original approval or with one or more of the project conditions as originally approved; or the construction or development of the subject property is not in conformance with the project as approved; (2) Upon a determination that the permit or entitlement was obtained or extended upon fraud or misrepresentation; and (3) Upon a determination that the project violates a provision of the Municipal Code or is not operating in conformance with the performance standards".
19. The Applicant and development shall comply with these conditions of approval and all applicable provisions of the Vacaville Municipal Code (Zoning, Subdivision, Building Codes, etc.), the Vacaville General Plan and any applicable policy plan or specific plan, as such provisions may be amended from time to time including, but not limited to, Vacaville Municipal Code Section 14.09.072.190, which requires, except as otherwise provided by law (e.g. Government Code 664.74.9) that the Applicant shall defend, indemnify, and hold harmless the City and its officials and employees in any action, claim or proceeding brought by any person or entity to overturn, set aside, or void any permit, entitlement, or approval issued or granted by the City. The City shall promptly notify the Applicant of any such action, claim or proceeding and the City shall cooperate with Applicant in the defense thereof without contributing to the cost of such defense.
20. The Applicant and development shall indemnify, defend and hold the City of Vacaville and its officers and employees harmless against all claims, suits or actions made against them arising out of or in connection with the ownership, occupancy, use or development of the project site, or any portion thereof, including the installation or construction of improvements thereon; however, this duty to indemnify and defend shall not extend to any claim, suit or action arising solely from the City or its officers or employees' negligence or misconduct. In addition, the Applicant shall comply with the requirements of Vacaville Municipal Code Section 14.09.072.190.

## FIRE

*The Fire Department's review is to ensure compliance with the minimum code requirements related to fire and life safety as set forth in the California Fire Code and the State Fire Marshal's Regulations. The review is not to be construed as encompassing the structural integrity of the facility or abrogating more restrictive requirements by other agencies having responsibility. Final acceptance is subject to field inspection and necessary tests. The conditions below shall be subject to the current codes and regulations when plans are submitted to the Building Department. If you have any questions regarding these conditions, please contact Jill Childers at (707) 449-5482.*

21. The existing DA still applies to the water tank and booster pump. These conditions do not address the water tank or booster pump agreement per the DA. These conditions are only for the house plans.
22. Approved address numbers shall be provided for each home. Such numbers shall contrast with their background and be readily visible from the street.
23. All work shall be in conformance with California Fire Code Chapter 33, "Fire Safety During Construction and Demolition" and NFPA 241 "Safeguarding Construction, Alteration, and Demolition Operations".
24. Fire sprinklers shall be required for each home per the most current edition of NFPA and CFC.
25. Smoke alarms and carbon monoxide alarms are required per code.
26. Fire hydrants shall be located no more than 300 feet (122 m) from a fire hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and water mains shall be provided at a location(s) required by the Fire Code Official. The applicant shall also verify fire hydrant location(s) with the Vacaville Fire Department.
27. An approved on-site water supply capable of supplying the required fire flow for on-site fire protections shall be provided to all premises upon which buildings are constructed. When any portion of the building is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the building, on-site fire hydrants and mains capable of supplying the fire required fire flow shall be provided when required by the Fire Marshal.
28. Fire lanes shall be required and have signage where needed. This will be decided during inspections.
29. Deferred submittals to the Vacaville Fire Department shall be required residential fire sprinklers.
30. Fire flow shall meet the requirements of the CFC.
31. When adjacent to open space all fencing shall be constructed of non-combustible materials. This still applies to this project.



32. VMC Section 14.20.290.16 (c) regarding enclosed, wrapped, or "boxed-in" eaves still applies to this project.
33. This project is still required to meet all of VMC Chapter 14.20.290 requirements. With a change to section 14.20.290.040. The State now requires 100 feet of non-combustible defensible space from structures. There is no longer a 50-foot fire buffer zone, but a 100-foot fire buffer zone required per the State.
34. Unless otherwise approved by the Fire Marshal, all private driveways shall meet the following criteria:
  - a. Average grades shall not be more than 12.5% with no section greater than 14%.
  - b. Sections of private driveways less than 100 feet in length may have grades of 15% if specifically approved by the Fire Marshal on a case-by-case basis.
  - c. Private driveways greater than 100 feet in length shall have a minimum clear width of 20 feet.
  - d. Private driveways less than 100' in length shall have a minimum width of 15'.
  - e. Private driveways greater than 100 feet in length shall have a turn-around or turnout approved by the Fire Marshal every 100 feet and at the structure.
35. All original conditions still apply for Fire.

*Note: Plan Checks for Fire Department permits are a minimum four weeks out.*

36. The applicant shall submit three (3) complete sets of automatic fire sprinkler system plans, hydraulic calculations, and specifications to the Fire Department, conforming to NFPA 13, for review and approval prior to installation.