

**P97-118 COSTA BLANCA PLANNED UNIT DEVELOPMENT -
Consideration of the Treatment of the Common Property Line,
Between the Project Site and the Swallows Nest Condominium
Development**

Background:

On May 28, 1998, by a unanimous vote of nine ayes, the Planning Commission approved the Tentative Map to subdivide 10.5 gross acres (8.08 net acres) into 46 Single Family Lots, 2 Landscape Corridor Lots, 1 Open Space/Bike Trail Lot, 1 Emergency Access Lot; and the Special Permit to allow development of 46 single family units on 10.5 + acres in the R-1(PUD) zone. In addition, the Commission recommended approval of the rezone and the establishment of the PUD, and directed staff to forward the project to the City Council for further action.

(The project was previously referred to as the Perry PUD. Regis Homes of Northern California is in the process of purchasing the site for development. The project will be marketed under the name "Costa Blanca", and the purpose of the requested name change is to allow for the Final Map to be recorded under the new name.)

At the May 28 hearing, there was discussion about the unresolved issue of how to address the potential impacts of the interface of the proposed residential and existing recreational (golf course) land uses, along the common property line between the project and the Swallows Nest development. (The 347 yard Hole #5 fairway parallels the majority of the common property line.) Staff reported to the Commission that all parties seemed committed to working towards a reasonable solution, and the points of disagreement seemed to be of such a nature that they could be readily resolved by staff. However, the Commission did place the following condition on the project approval:

- F42. Prior to City Council consideration of the Perry PUD Development Guidelines, the treatment of the common property line shall be mutually agreed to by the Swallows Nest HOA and the applicant/developer, to the satisfaction of the Planning Director. Points of consideration in the treatment shall be limited to the location of the placement of golf course netting and tree planting.

On July 14, a third meeting was convened by staff with the applicant/developer (Regis Homes), and the Swallow Nest Ad- Hoc Golf Committee. Issues discussed were the length and location of the installation of golf course fence/netting, tree planting, and the

long-term maintenance of the newly installed items. No resolution was reached after 2+ hours of discussion. Staff does not feel that further discussion will yield resolution of these issues.

Staff has held three stakeholders meetings, and provided numerous telephone consultations on this issue with the affected parties. Staff has also consulted with the City Golf Division Manager, and the City Tree Division Manager on this issue. Staff suggests the following compromise language for the project, to be reflected in the PUD Development Guidelines and Schematic Plan. Staff feels that this suggested language fairly and adequately addresses the concerns raised

1. At the sole cost and expense of the applicant/developer, golf course fence/netting shall be installed beginning 10' off the ground, to a height of 40' above ground level. (The existing 10' property line fence shall remain.) The fence will be installed by the applicant/developer either on-site, or on the Swallows Nest property, to the extent that landowner consent is granted.

The Golf course fence/netting shall be installed beginning @ the south property line of Lot 26, and shall continue to the rear of the house on Lot 4, for a minimum of 970+ continuous linear feet (323+ yards) (Exhibit A).

Staff would further suggest that the following previously tendered proposals be considered for the project.

Advisory:

1. If the fence/netting is installed on the adjacent property, the applicant/developer should provide adequate "seed money" to Swallows Nest HOA, to provide for the maintenance, and one time replacement, of the golf course fence/netting.
2. The applicant/developer should prepare a landscaping plan which provides for alternate side of property line tree planting. Tree maintenance will be the responsibility of the on-site property owner. Suggested tree species may include Redwoods, Alappo Pine, and Eucalyptus.

July 14, 1998 Stakeholders Meeting Summary:

The following is a summary of the points of discussion of the last meeting between the affected parties.

<u>POINTS OF DISCUSSION</u>	<u>Swallows Nest:</u>	<u>Regis Homes:</u>
Fence (Y/N):	Yes	Yes
Height:	50' initial request, will introduce a lesser height of 40' for Board Consideration	35' firm
Length:	Agreed to start point @ south property line of Lot 22, consider 4 end points: between Lots 10&15 (600'+), between Lots 9&10(710'+), between Lots 9&4 (840'+), and between Lots 3&4. May still discuss entire length (1200'+) of property line with Board.	Agreed to start point @ south property line of Lot 22. End point offers: between Lots 16&21(225'+), 10 & 15 (600'+) - at back of house on Lot 10.
On/Off-site:	will discuss w/Board on-site to retain maintenance control	will construct on either property
Maintenance:	will discuss w/Board on-site to retain maintenance control	Offer to deposit "seed money" for Swallows Nest maintenance/replacement fund if on-site for Swallows Nest.
Trees (Y/N)	Yes	Yes
Length:	to be determined by Board discussion	Offer to plant on-site Perry property (on-site landscaping not a City issue), disagrees with redundant planting where trees are already on-site on Swallows Nest
On/Off-site:	alternate side of fence planting	offer for alternate side of fence planting
Maintenance:	on-site - responsibility of property owner	on-site - responsibility of property owner

At the close of the meeting the Swallows Nest Ad-Hoc Golf Comm. members agreed to call a Special Meeting of the HOA Board of Directors to discuss the above points. This position then changed, and the project not yet been presented to the Board for consideration, at time of report preparation.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission take the following action:

- A. Recommend approval of the PUD Designation with the Development Guidelines and Schematic Plan to incorporate the above language, for 10.5+ acres in the R-1 (PUD) zone.

Report Prepared By,



Don Lockhart, Associate Planner

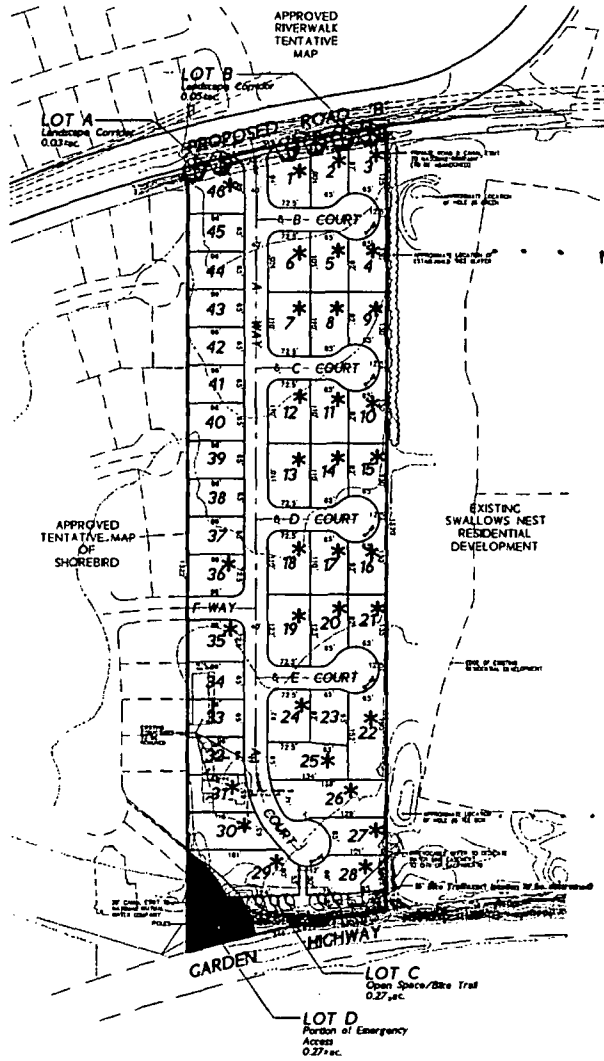
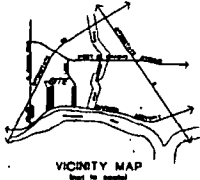
Report Reviewed By,



Scot Mende, Senior Planner

Attachments

- Exhibit A Proposed Schematic Plan
- Attachment 1 Swallows Nest HOA Proposal (June 24, 1998)
- Attachment 2 Applicant/Developer Proposal (July 1, 1998)



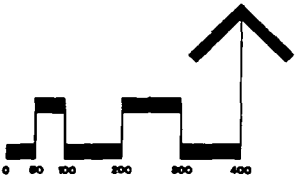
970'±

P.U.D. SCHEMATIC PLAN for
COSTA BLANCA
CITY OF SACRAMENTO, CALIFORNIA

TYPICAL LOT SIZE(6000 S.F. MIN.)/48 LOTS
-65' x 96' typ.(interior)
-72.5' x 90' typ.(corner)

* DENOTES 8500 S.F. MIN. LOTS
-33 LOTS (72%)

EXHIBIT A



Rev. March 4, 1998
October 21, 1997

The Spink Corporation
1500 PORTER BLVD. #17, SACRAMENTO, CALIFORNIA 95825-0000
PHONE: (916) 900-5000 FAX: (916) 901-9074



Swallows Nest Country Club

2245 Orchard Lane ♦ Sacramento, CA 95833 ♦ (916) 927-6481

Date: June 24, 1998

**To: Bill Hartman, Regis Homes
Mike Smith, Spink Corporation,
Don Lockhart, City Planning Commission
Heather Fargo, City Council**

**From: Swallows Nest Board of Directors
Diana Brace, Vice President, 924-7238**

Re: Perry Ranch Development

This attached Position is to address the growing concerns of the homeowners of Swallows Nest Country Club, 2245 Orchard Lane. For 20 years we have been a quiet country residential area with a 35+ yr. old golf course coexisting with the agricultural needs of the Perry Ranch. The recent re-zoning and resultant impact of the Willowcreek Drainage assessment on Mr. Perry, has forced him to sell his property. This tremendous property change and the cumulative effect of, ultimately, hundreds of homes, will impact the Swallows Nest community immensely and forever diminish our quality of life. We are adamant the developers make every effort to minimize their effects on our lifestyle and to maintain the property values of Swallows Nest.

One of our main concerns is the issue of City planning allowing the Shorebird development to be located so close to an existing golf course without benefit of a greenbelt buffer area. The present plan is to build homes with 5 feet from the side yard of the homes on the property line.

Swallows Nest Ad Hoc committee has met on several occasions with our concerned residents to address the growing number of issues. We have combined the offers by the developers and the residents' concerns to draft this position. The committee has prepared this position paper and the Board of Directors has adopted this position.

We believe this position will help to provide a compatible living/golfing environment and a measure of peace of mind for our residents and for the future homeowners of Shorebird. This committee strongly feels that if the items in this Position are agreeable to the developer all parties will enjoy a timely and positive resolution.

Perry Property Development Position: June 24, 1998

Item 1: Developer install a net to attain a height of 50 ft. the full length, approximately 1200 ft., on the West side of Swallows Nest property. This net must be of grade value to carry a guarantee of 10 years or more usefulness and be installed at the beginning of construction of the development. This net is to be installed on the Perry/Shorebird property. Developer to seek variance to standard City Code for golf course net at 35 ft. high to increase net height to 50 ft. due to the developers placement of the homes in close proximity of the existing narrow golf course. Installation warranty and the Manufacturers net guarantee to be owned and enforced by Spink Corporation. Spink shall have the oversight responsibility for maintenance/replacement of this net.

Item 2: Developer to provide adequate funds and be responsible for any increased insurance premiums for coverage or modifications to existing current Association Insurance enforced to accommodate this new exposure for a period of 10 years.

Item 3: Developer to furnish and plant 5 gallon container size trees to be placed on Swallows Nest property at the beginning of construction of the development. These trees, selected by Swallows Nest, to provide screening from the #5 Hole T-Box to the Green. These trees will provide the Shorebird homeowners with some barrier beyond the 10 year useful life of the net should they neglect to maintain or replace the net in the future.

Item 4: Developer to provide adequate funds to be deposited in the Swallows Nest Reserve Account for the exclusive purpose of replacement or maintenance of these trees.

Item 5: Developer to have in place disclosure in all contracts with Developers' agents, employees, representatives and subcontractors holding Swallows Nest Homeowners Association and its individual homeowners, residents and guests harmless from any property damage or personal liability due to golf course activity. The language of this statement to be drawn by developer legal counsel and subject to approval by Swallows Nest legal counsel before adoption.

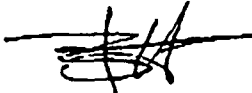
Item 6: Developer to include in the sales agreement, CC&R's or title documents which will pass with the property in perpetuity, holding Swallows Nest Homeowners Association and its individual homeowners, residents and guests harmless from any property damage or personal liability due to golf course activity. The language of this statement to be drawn by developer legal counsel and subject to approval by Swallows Nest legal counsel before adoption.

FAX MEMORANDUM

July 01, 1998

To: **SWALLOW NEST HOMEOWNERS ASSOCIATION** Pages 2
(916) 927-2210

cc: Diana Brace (916) 924-0927
Bruce Henrickson (916) 920-0927
John Perry (530) 662-4600
Michael Smith, Spink Corporation (916) 921-9274
Don Lockhart, City Planning (916) 264-7046

From: **BILL HEARTMAN** 
REGIS Homes
of Northern California - Sacramento
Office (916) 929-3193 (ext. 18) Fax (916) 929-6738

Re: **Perry Property, South Natomas**

Thank you for your position paper of June 24, 1998 outlining your response to my proposal letter of May 27 and our meeting with your association that same evening. Apparently, the City staff, Spink, and I completely misunderstood what we thought was generally conceptual approval of my proposal.

From your response, it appears to me that the association is more interested in eliminating liability than providing an aesthetically pleasing solution for both you and your future neighbors. The objective in my proposal was not to capture all of the errant golf balls but only the majority of them without scaring the skyview any more than absolutely necessary. The emphasis was placed upon those most damaging golf balls hit at a "line drive" trajectory. Since the maximum height of any of our proposed houses in 27', a screen going to 35' would more than adequately protect those houses most exposed. Even a 50' screen the entire length of your property would not catch every mis-hit ball.

Let me respond to your Position item by item:

Item 1. a 50' high, 1200 foot long screen is, in my opinion, over-kill and I will not advocate that solution to the City. Installing the screen with industry standard guarantees on the proposed project property is acceptable. Spink is an engineering consultant on this project and does not take installation, maintenance, or replacement responsibilities.

Item 2. Paying for your additional insurance for 10 years is not acceptable to us.

Item 3 & 4. We will not advocate placing trees only on your side of the screen and since alternating those trees was unacceptable to your association, we will

install trees on the proposed project property only thus eliminating the need for depositing fund in your account for their maintenance.

Items 5 & 6. While we will agree to place acknowledgments and disclosures in our sales information and contracts about the existence and risks associated with living next to a golf course, the "hold harmless" condition per your proposal may not be enforceable and we are not willing to include that in our documentation.

Therefore below, I have modified from my May 27, 1998 proposal to reflect the above and will submit to the City the following proposal for approval on the interface between Swallows Nest and the Perry properties:

1. Per the Sacramento City golf coordinator's recommendation, we will install approximately 75 yards of nylon protective screen with industry standard warranties, mounted on telephone type poles to a total height of 35 feet (25 feet above the existing 10 foot fence) from the south property line of lot #26 running north along the Perry's eastern property line. Upon the sale of the proposed homes, each individual homeowner will be assigned the screen warranty and have sole discretion of the screen maintenance and its ultimate removal.
2. In addition to the normal landscaping tree common to a project of this type, we will install trees along our project's easterly property line from the south property line of lot #26 going north to existing mature trees located on the Swallows Nest property (to include a portion of lot #10) of a species and with spacing appropriate for golf/residential uses in coordination with the City's landscape architect,
3. We will install the appropriate safety/shelter protection on the houses pursuant to the PUD guidelines as requested by the City, and
4. We will place in the CC&R's and sales documents a disclosure and acknowledgment of the existence and risks associated with living next to a golf course.

My underlining objective is to minimize the use of protective screens while providing a more than adequate level of protection for the new residences and to use a natural tree barrier where no trees exist as the long term, less intrusive solution to the mix of uses.

At this point, I feel that there is a basic difference of philosophy as the importance of aesthetics for the entire Natomas West area versus liability protection of the Swallow Nest Homeowner's Association. Therefore, if the above proposal is not satisfactory to your association, then I suggest that we present our respective positions to the appropriate City agency for a decision.

Thank you for your attention to the above.