

ORDINANCE NO. 2584

**AN ORDINANCE AMENDING CHAPTER 40 OF THE CITY OF DAVIS
MUNICIPAL CODE REZONING THE PARCEL LOCATED AT
737-885 RUSSELL BOULEVARD (APN: 034-253-007) FROM PD 2-97B TO
PRELIMINARY PLANNED DEVELOPMENT (PD) #03-18 (UNIVERSITY COMMONS)**

THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PROPERTY AREA

Planned Development (PD) #03-18 (University Commons) includes approximately 8.25 acres located at 737-885 Russell Boulevard (APN 034-253-007) north of Russell Boulevard, east of Sycamore Lane, and west of Anderson Road, as shown in Exhibit A.

SECTION 2. ZONING MAP CHANGE

Section 40.01.090 (Zoning Map) of Chapter 40 of the Municipal Code of the City of Davis, as amended, is hereby amended by changing the land use designation of the parcel located at 737-885 Russell Boulevard (APN: 034-253-007) as shown in Exhibit A, to Planned Development (PD) #03-18 (University Commons).

SECTION 3. PURPOSE

The purpose of this planned development is to provide a mixed use district combining high density multifamily residential with retail uses and businesses that:

- A. Optimize an underutilized infill location within the City of Davis;
- B. Contribute to the overall character and livability of the surrounding neighborhood and UC Davis by redeveloping an existing retail center;
- C. Provide a flexible mixed-use project with residential uses, neighborhood and community-serving retail and services, offices, business services, employment;
- D. Provide additional housing adjacent to the University of California Davis, near existing mobility infrastructure (e.g. pedestrian, bicycle facilities and transit) to reduce vehicle trips, vehicle miles traveled, and parking demand;
- E. Provide housing density proximate to UC Davis and the downtown area of the City of Davis; and
- F. Provide energy efficient building design that incorporates sustainable design elements.

SECTION 4. LAND USE DEVELOPMENT

Land use areas for PD #03-18 along with residential square footage/bed count and retail square footage allocations are as follows.

Use	Square Footage
Mixed Use – Residential	412,500 square feet
Residential Bed Count	894 beds in a unit/bedroom configuration that does not exceed the impacts identified in the

	Environmental Impact Report associated with the University Commons Project (2020)
Residential Unit Mix	4-bedroom units shall comprise to no more than 45% of the total number of units. No units shall contain more than 4 bedrooms.
Mixed Use – Retail, Offices	150,000 square feet
Parking Structure	246,000 square feet
Total Square Feet:	808,500 square feet

Final allocations shall be determined in the Final Planned Development consistent with the above allocations and Section 7.

SECTION 5. USES

Permitted, accessory, and conditional uses are as follows.

A. Permitted Uses. Permitted uses shall be as established in Section 40.18A.015 (C-R Zoning District, Permitted Uses), as amended, except as modified herein. In addition, the following uses shall be permitted:

1. Residential dwelling units above the ground floor.
2. Retail and service uses including, but not limited to, general merchandise, food, alcohol, beer and wine retail sales, home goods, clothing, drug stores, pharmacies, electronics, technology, business and mailing services, postal substation, fitness, indoor recreation, entertainment, financial and education services, spa, salons, day care, medical, health and educational services. Retail and service uses to allow for local distribution, pick up and drop off services.
3. Sit-down and fast casual restaurants, cafes, bakeries, breweries, and pubs may include sale and service of alcohol, beer and wine for on-site consumption.
4. Office, administrative, entertainment, service, medical, research/development and associated laboratory space, and recreational uses.
5. Outdoor seating areas are permitted and do not count against maximum square footages of the center or required parking.
6. Other uses as determined by the Director of Community Development and Sustainability to be of the same general character as the permitted uses.

B. Accessory Uses. Accessory uses shall be as established in Section 40.18A.020 (C-R Zoning District, Accessory Uses), as amended, except as modified herein. In addition, the following uses shall be considered accessory uses:

1. Property management office, clubhouse, pool, recreation and fitness areas and other amenities associated with residential uses.
2. Required parking may be provided via on-grade and/or above grade structures.
3. Bicycle storage, bicycle rental, bicycle, pickup/drop-off, package lockers and other transportation share facilities.
4. Seasonal/Special events.

5. Other uses as determined by the Director of Community Development and Sustainability to be of the same general character as the accessory uses.
- C. Conditional Uses. Conditional uses shall be as established in Section 40.18A.030 (C-R Zoning District, Conditional Uses), as amended, except as modified herein. In addition, the following uses shall be conditionally permitted:
1. Nightclubs.
 2. Other uses as determined by the Director of Community Development and Sustainability to be of the same general character as the conditional uses.

SECTION 6. DEVELOPMENT STANDARDS

Development standards shall be specified herein or as further established in the Final Planned Development, provided that the requirements of Section 40.18A.050 and 40.18A.060 of the Davis Municipal Code as they relate to the C-R district shall be used as requirements in the absence of specific standards.

Maximum building height & floors	No building shall exceed seventy-two (72') feet to the highest top plate and have more than five floors, consisting of a one-story retail podium with a parking structure behind and up to four residential floors above. The retail podium may accommodate one or two retail floors, however, in no case shall the total number of retail and residential floors exceed five floors in any portion of the building. Exceptions to the building height may be allowed consistent with DMC Section 40.27.030.
Front setback	Zero (0') feet
Interior and street side yard setback	Zero (0') feet
Rear setback	Minimum zero (0') feet; except when abutting an R district, then minimum twenty (20') feet.
Landscaping	In addition to parking lot shading and screening, landscaping shall cover a minimum of five (5%) percent of the site and must be provided consistent with provisions of landscaping and screening for commercial districts (Section 40.26.250(b) and (c)).
Parking – Non-Residential	Off-street parking for non-residential uses shall be provided in the ratio of 1.0 space per 350 square feet of gross floor area. This ratio may be reduced through the Minor Modification process.
Parking – Residential Uses	Off-street parking for residential uses shall be provided in the ratio of 1.0 space per residential unit. This ratio may be reduced through the Minor Modification process.
Bicycle Parking	Bicycle parking shall be provided for all uses in accordance with Section 40.25A.

Signage	Subject to the provisions of Section 40.26.20, except as modified by the adopted site-specific program for University Commons.
---------	--

SECTION 7. FINAL PLANNED DEVELOPMENT

Consistent with Section 40.22, a Final Planned Development (FPD) approval shall be required before the development of the site. The FPD shall be consistent with the University Commons Planned Development #03-18. Development standards for the University Commons project shall be contained in the FPD and may include design guidelines.

SECTION 8. CONFLICTS

For provisions not covered by this ordinance or the final planned development, the provisions of Chapter 40 of the Davis Municipal Code, as amended, shall apply. Where there is a conflict between the provisions of Chapter 40 and this ordinance, the provisions of this ordinance shall apply.

SECTION 9. MITIGATION MEASURES

The Planned Development District is subject to the mitigation measures in the Environmental Impact Report #4-18 (SCH#2018112044) prepared for this project.

SECTION 10. SPECIAL CONDITIONS

The following special conditions shall apply.

- A. Site plan and architectural approval are required for any new construction, as provided in Section 40.31 (Site Plan and Architectural Approval).
 - a. The building design shall have four-sided architecture and shall incorporate design elements to create visual interest, reduce building massing, and avoid long unbroken wall planes, through measures including, but not limited to, building recesses and offsets, articulation, fenestration, overhangs, and material changes. The building’s horizontal wall plane shall provide a building break or offset a minimum of every 100 feet, including on the north elevation.
- B. All signage shall be reviewed, subject to Section 40.26.020 and City-wide Sign Design Guidelines and/or a specific master sign program for University Commons as applicable.
- C. Each use shall be conducted wholly within a completely enclosed building, except specialty grocery store, restaurants, or those uses which front on outdoor plaza areas. Merchandise displayed on plaza areas shall not disrupt pedestrian movement.

SECTION 11. FINDINGS

The City Council of the City of Davis hereby finds:

- 1. The proposed project is in conformance with the General Plan, as amended, and the project would be consistent with the amendments to the General Plan that is designating the site Mixed Use with related text amendments. This allows for a consistent land use designation and zoning for the parcels, which would facilitate the development of the proposed project.

2. The property is suitable for the proposed development and the proposed project is restricted in height to 72 feet and five floors of retail and residential uses and constitutes a mixed use development of sustained desirability and stability in harmony with the character of the surrounding neighborhood.
3. Public necessity, convenience and general welfare require the adoption of the proposed amendment, given that the PD 3-18 zoning provides for areas to meet City retail and housing needs.
4. The proposed project with the adoption of the rezone will be consistent with the Zoning Ordinance, as the purpose of the PD District is to provide a suitable residential environment for a mix of housing types and cost including multi-family residential and student-oriented housing, and to promote creative approach and variety in the physical development pattern of the city. The planned development district provides for 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 development with surrounding uses.
5. The proposed project includes multi-bedroom units, which may be leased by the unit as well as by the bed or bedroom, but is not limited to student residents and is consistent as a multiple family dwelling unit.
6. The proposed project incorporates sustainability features consistent with General Plan and city policies to ensure long-term stability of the project, reduce energy consumption, and promote reduction in automobile trips.
7. The Planning Commission held a public hearing on May 27, 2020 to receive comments and consider the rezone and voted to reject adoption of the rezone.
8. The City Council held a duly noticed public hearing on July 21, 2020 and August 18, 2020 and based on oral testimony and documentary evidence reviewed during the public hearing, including Planning Commission minutes or comments, report and evidence reviewed by the Planning Commission and project adjustments and clarifications, certified the Environmental Impact Report (SCH#2018112044) prepared for the project and adopted a Mitigation Monitoring Plan. A Draft EIR was prepared and circulated for public review in accordance with CEQA requirements and addressed CEQA streamlining in regards to project consistency with the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The EIR adequately analyzed the significant and potentially significant environmental impacts of the project, identified appropriate mitigation, project alternatives, and significant and unavoidable cumulative impacts related to transportation. Public comments were received and a response to comments was included in the Final EIR. Additional text and information was provided to clarify discussion but the modifications did not alter the conclusions of the EIR. A statement of overriding considerations for significant and unavoidable impacts was adopted. The EIR represents the independent judgment of the lead agency.

SECTION 12. CONTINGENCIES AND EFFECTIVE DATE

The ordinance shall become effective on and after the thirtieth (30th) day following its adoption and only upon approval of General Plan Amendment #02-18.

INTRODUCED on the 25th day of August, 2020, and PASSED AND ADOPTED by the City Council of the City of Davis on this 15th day of September, 2020 by the following vote:

AYES: Carson, Frerichs, Lee, Partida

NOES: Arnold



Gloria J. Partida
Mayor

ATTEST:



Zoe S. Mirabile, CMC
City Clerk

EXHIBIT A

**Parcel to be Rezoned to PD 3-18 (University Commons)
737-885 Russell Boulevard (APN: 034-253-007)**

