III. Major Recurring Problems with the Implementation of the Core Area Specific Plan

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Major Recurring Challenges

With Implementation of the Core Area Specific Plan

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City of Davis Department of Community Development and Sustainability
and
Planning Commission Subcommittee on CASP Analysis and Recommendations

September 18, 2015
Major Recurring Challenges
With Implementation of the Core Area Specific Plan

Challenges and Problems
The major recurring challenges and problems being experienced with the implementation of the Core Area Specific Plan (CASP) and other Core area policies and codes are:

1. Documents are cumbersome yet lack substance in some issues.
2. Need to recognize differences between policies, standards and guidelines.
3. Uncertainty related to required use mix in mixed use subareas.
4. Uncertainty related to historic preservation.
5. Uncertainty related to potential building heights.
6. Uncertainty related to potential residential densities and total floor area ratios.
7. Uncertainty of approval of parking in-lieu fees and policy aspects of in-lieu fee amounts.
8. Reconciliation of adopted policies and codes with current densification policies of City Council.
9. Unclear expectations for collaboration with area residents.

Additional challenges and problems with the CASP and other Core area policies and codes are:

10. Need to review boundaries of the commercial core and mixed use transition areas.
12. Requirement that a bank in neighborhood centers must be a satellite of an existing facility in the core area discourages redevelopment in core area.
13. Specific conflicts or errors in need of clarification or correction.

Costs
The major recurring challenges and problems listed as 1-9 above impact staff, applicants and decision-makers on a daily basis. These include the cumbersome web of policies and codes that come to bear on a development application, and conflicts and uncertainties that are embedded in the policies and codes.

City staff estimates that the major recurring problems cumulatively cause the following estimated cumulative costs compared to if the plans and other documents were: less cumbersome; more clear about the community policies and standards; clearer in purpose and interrelationships; and with fewer tensions and conflicts.

- **Ongoing information:** Approximately 5 to 10 hours of staff time or $1,000 to $2,000 per month.
- **Development project reviews:** Approximately 10 to 40 hours of additional processing time by staff or $2,000 to $8,000 per project. This can add approximately 2 to 8 weeks of processing time given other staff work responsibilities.
- **Number of prospective applicants that do not apply because of lack of clarity or uncertainty:** Approximately 4 to 6 per year.
1. Documents are cumbersome yet lack in substance in some issues.

Background
The CASP and other Core area policy and code documents are cumbersome, unmanageable, laborious, inconvenient, and unwieldy due to their sheer length and unclear relationships. This requires applicants and staff to do extensive research and work through numerous questions. This problem impacts time and costs for staff, commissions, Council and applicant in providing information, staff reports, hearings, and project development: The documents and their lengths are:

- General Plan, 400 pages.
- CASP, 118 pages.
- Central Commercial C-C zoning district, 4 pages.
- Mixed Use M-U zoning district, 6 pages.
- Core Area Design C-D combining district, 3 pages (plus maps of ground level commercial, mid-block pedestrian ways, sun/rain protection at sidewalk level, access to parking not allowed from streets).
- Historical Resources Management article of zoning ordinance, 18 pages.
- Interim Infill Development Guidelines, 11 pages.
- Davis Downtown Traditional Residential Neighborhood (DDTRN) Design Guidelines, 137 pages.
- Total, 697 pages (or 297 pages not including the General Plan). This list does not include CEQA regulations / guidelines, subdivision map requirements, building codes, stormwater management requirements, or other public works standards.

As an example (as shown below), one site may have several different classifications with potentially varying policies, standards and guidelines:

- CASP: “Core Retail With Office” and “Transitional Boundary”
- Zoning: “MU – Mixed Use”
- DDTRN Design Guidelines: “Mixed Use Character Area– Core Transition North”

The CASP was adopted in 1996 and has been amended several times through the last reprinting of amendments in September 2013. The State of California has issued guidelines for preparation and implementation of specific plans in 1989 which was replaced by “The Planner’s Guide to Specific Plans” last amended in 2001.
Above: Examples of Layers of Policies and Codes
Recurring Problems With Implementation of the Core Area Specific Plan

Problem
Competing and sometimes conflicting provisions should be resolved. Examples are:

- The documents are not clear for a site located in the Core Retail With Office area in the CASP and in the Mixed Use zoning district whether vertical mixed use is required, not required, or simply encouraged, and whether non mixed use would be allowed through a Conditional Use Permit.
- Maximum building height permitted by right is higher in the Mixed Use zoning district (outside of the central part of the Core area) than in the Central Commercial zoning district (in the central part of the Core area).

Review processes depend on the types of entitlements requested:

- CASP amendment or rezoning: Planning Commission recommendation and City Council action.
- Conditional use permit: Planning Commission action.
- Historical resources survey, demolition review, or design review: Historical Resources Management Commission (HRMC) action or comment.
- Design review: Planning Commission action (staff action in small projects)

Review processes vary from a few weeks to many months. The review process, timeframe, and costs increase greatly if numerous amendments to adopted policies and codes are requested.

**Table illustrating relative project processing times and costs**
(General, depends on application types)

<table>
<thead>
<tr>
<th></th>
<th>Assuming recurring problems are resolved</th>
<th>Assuming recurring problems are not resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects consistent with policies and codes</td>
<td>Low (1 - 2 months)</td>
<td>Medium (3 – 4 months)</td>
</tr>
<tr>
<td>Projects not consistent with policies and codes (numerous amendments requested)</td>
<td>High (5 – 6 months)</td>
<td>Highest (7 – 8 months)</td>
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</table>

Despite being cumbersome, the current CASP does not take advantage of the opportunities of a Specific Plan per recent State guidelines to:

- Define the community’s vision of future growth and development. As evidenced by the recent and proposed amendments to the plan, the vision may need updating after a community process. Growth and development issues without a shared community vision include how much, where, how intense, how high, and relationship to historic preservation.
- Define the desired amount, location, and timing of growth.
- Take into consideration all relevant issues (including but not limited to historic preservation, economic development, and desired infill).
- Identify how transportation should be / will be enhanced with increased
densification. Enhancements could include off street parking, pedestrian
improvements, bike facilities, and transit facilities.

Examples of higher quality and award winning downtown plans and codes are:
- City of Walnut Creek, West Downtown Specific Plan, 2014. Includes clear
  sections related to: build-out projections for housing, retail, offices and hotels;
  and height limits.
- City of Ventura, Downtown Specific Plan, 2007. Includes a development code
  and sections on building types and frontage types.
- City of Pasadena, Central District Specific Plan, 2004. Includes clear sections on
  land use concepts, subareas, floor area ratios, maximum building heights,
  densities, urban design concepts, and public realm.
- City of Petaluma, Central Petaluma Specific Plan, 2003. Includes clear
  illustrations of concepts, infrastructure costs, and historic preservation.
2. **Need to recognize differences between policies, standards and guidelines.**

**Background.**
The attached “Glossary of Terms” intends to clarify the purpose and intended use of the policy and regulatory documents.

- The Specific Plan provides policies which guide decisions. The Plan provides the locations for land uses, densities, and public facilities in greater detail than a General Plan. *The CASP is a policy document adopted by resolution which is a formal expression of will or intent by an official body.*
- Zoning specifies permitted uses and development standards. *Adopted by ordinance which is law.*
- The purpose of the historic preservation management article of the zoning ordinance is to promote the general welfare by providing for the identification, designation, protection, enhancement, perpetuation, and use of historic resources. *The article is adopted by ordinance but designations are by resolution, and demolitions and determinations of appropriateness are through certificates issued by the Historic Resources Management Commission.*
- Design guidelines provides a basis for design and the review of architectural and site design. Provide flexible guidance rather than minimum quantified standards in zoning. *Adopted by resolution.*

In addition, the City Council adopted a Climate Action and Adaptation Plan (CAAP) in 2010 that places the community on a path to achieve the greenhouse gas emission reduction targets adopted in 2008. The targets were based on a range that uses the State of California targets as a minimum goal and deeper reductions as the desired outcome. The CAAP includes actions to achieve energy standards for new buildings.

The City’s policies, standards and guidelines all are applicable to a given project although they all have different purposes. They vary in terms of:

- The specificity of issues, from general to specific; and
- Flexible, discretionary policy guidance to more clear cut regulatory standards.

The DDTRN Design Guidelines are detailed in the issues they address however they provide flexible guidance rather than quantified standards.

Two projects that identified tensions between policies and guidelines include a proposal at B and 3rd Streets with a green roof and another at 4th and D Streets with a flat roof and photovoltaics. The tension was between energy and sustainability policies and the DDTRN design guidelines which call for traditional building forms, roof types and materials.
Private open space
Adaptive reuse of bungalow
Shared parking court
Two-story building, office below, two units above
Traditional front yard setbacks
Entry porches facing streets

Project Proposed at B and 3rd Streets
All of these documents may be amended with due process. The finding for a Specific Plan amendment is whether the amendment is in the public interest. The findings for a zoning amendment are: conformance with the city master plan (General Plan); and the public necessity, convenience and general welfare require adoption of the amendment. The finding for a design guidelines amendment is conformance with the specific plan and zoning.

Amendments on individual sites are possible but if they are numerous or involve major policy issues with broad implications, they raise questions about the validity and usefulness of the plan.

Problem.
The purpose and intended use of the CASP and related policies and regulations (that is, zoning, historic preservation management, interim infill development guidelines, and design guidelines) are not clearly understood by applicants, decision-makers, and even staff. This problem impacts time and costs for staff, commissions, Council and applicant in providing information, staff reports, hearings, and project development.

Clarification of the interrelationships of the adopted policies, standards and guidelines is needed. This subject is somewhat complicated and interrelationships may best be clarified through examples of projects and how the adopted policies and regulations apply.
3. **Uncertainty related to the required mix in mixed use subareas.**

**Background.** The term “mixed use” is defined in the Zoning Ordinance as “residential uses combined with either or both commercial or office uses.” Staff interprets that the definition of mixed use in the Zoning Ordinance is the intent in the CASP and MU zone. The term “mixed use” is defined more broadly in the General Plan as “any mixture of land uses, including mixtures of residences with commercial, offices with retail, or industrial with offices and retail.”

The Core Retail With Office area in the CASP states that:

- The Core Retail With Offices area states: Mixed retail and office with retail uses dominant at ground floor level and offices encouraged as tenants for upper stories. Uses need not be mixed on individual parcels. Apartments and owner occupied condominiums and town homes **may be included and are encouraged** as tenants for upper stories.
- The Transitional Boundary area (part of the Core Retail With Offices area) states: A mixture of commercial, office, and residential uses is encouraged, and that it is appropriate to consider lesser intensive, **yet mixed use zoning** in this area.
- A mix of uses - retail stores, restaurants, cultural centers, entertainment, services, upstairs offices and dwelling units – is now and shall remain characteristic of the Core Area. (CASP Land Use Policy 2.6.1)

The M-U zoning district states:

- Permitted uses include: (a) Single family, duplex, **multiple dwellings** and residential infill. (c) Retail stores, shops and offices.
- Conditional uses include: (c) Commercial or office uses…which are not located in **mixed use buildings** or mixed use infill structures.
- One **residential unit shall be required for a mixed-use project** on a lot containing 9,000 square feet of area or less; two residential units shall be required for a mixed use project on a lot from 9,001 square feet to 12,000 square feet, etc…(Section 40.15.100, Residential use requirements)

The DDTRN design guidelines, in the “Principles” and “Mixed Use Character Area – Core Transition North (page 66) section, states:

- **Encourage** the development of opportunity sites in the Core and expansion and transition areas as mixed-use residential projects supporting sustainable development patterns.(Principle 4)
- “**Key Features**” include: the area is a traditional residential neighborhood that has experienced commercial and apartment development; and existing uses consist of a mix of single-family, multi-family, offices/service businesses…. “**Design Objectives**” include: the area should be an “honest transition” between the neighborhoods and downtown; and this area should be a “residential village” where residential uses and scale are maintained. “**Guidelines**” include: residential
uses are encouraged; and that additional residential units are encouraged with new construction or additions.

Example of a Mixed Use Project in Mixed Use District

Example of an All Residential Project in “Core Retail With Offices” Area of CASP and Mixed Use Zoning District

Problem.
Staff interprets that mixed use is encouraged but not required in the “Retail With Stores” area and in the Central Commercial (CC) zoning district. Staff does not know how or the extent to which mixed use is encouraged.

Existing documents are not clear for a site located in the “Retail With Offices” area in the CASP and in the Mixed Use (MU) zoning district regarding whether vertical mixed use
is: (1) required; (2) encouraged; or (3) not required in the City review of a CUP for a project which is not mixed use. Staff does not know whether the approval of a Planned Development (P-D) zoning eliminates the need for mixed use in the “Retail With Offices” area of the CASP or whether the City wants to use the P-D zone for that purpose.

As described more fully below, the CASP and other documents vary on whether mixed use is required, encouraged or not required.

- The CASP states that mixed use is encouraged but is not required on individual parcels, and that uses need not be mixed on individual parcels.
- The MU zoning district states that permitted uses include dwellings and commercial uses but states that discretionary conditional use permit review is required for commercial uses which are not in mixed use buildings (which means non mixed use may not be approved).
- The DDTRN design guidelines encourage mixed use residential projects.
4. **Uncertainty related to historic preservation.**

**Background.**

The City is a Certified Local Government. Amendments in 1980 to the National Historic Preservation Act of 1966 provided for the establishment of a Certified Local Government Program (CLG) to encourage the direct participation of local governments in the identification, evaluation, registration, and preservation of historic properties within their jurisdictions, and the promotion of integration of local preservation interests and concerns into local planning and decision-making processes.

The City has a total of 40 designated historical resources consisting of 22 Merit Resources and 18 Landmark Resources in the Davis Register list of historical resources. Most of the designated historical resources are located within the CASP area. In addition, there are other older buildings in the CASP area that are historically surveyed and identified as “contributor to a potential district”, and there is no “potential district” identified or designated in the City. This creates problems for staff and property owners/developers when anticipating redevelopment of properties within the CASP area. Additionally, some properties within the CASP area have not been historically surveyed to ascertain their historical status. This is a burden to property owners/developers as they have to individually pay for expert analysis of their properties now, which ranges from $1,900 to $4,500. Also, for some surveyed properties where redevelopment, alteration, or demolition are being proposed, updated historic resources analysis are required, which equally means that these property owners/developers would have to pay for the consultant to perform the analysis due to the out-dated nature of the City’s inventory of surveyed properties. Currently, the City undergoing update project that may not necessarily capture of the non-surveyed properties within the CASP area.

The General Plan states:

- Designate, preserve and protect the archaeological and historic resources within the Davis community. (Goal HIS 1)
- Promote public awareness of the prehistoric and historic past of the Davis area. (Goal HIS 2)
- Incorporate measures to protect and preserve historic resources into all planning and development. (Policy HIS 1.2)
- Preserve historic features of the core area and historic districts. (Policy HIS 1.4)

The CASP primarily focuses on distinctions of land use areas and only one-third of a page addresses “Historic Preservation” (page 87, under “Aesthetic Elements”). when it was prepared and adopted was not on the subject of historic preservation, rather on land uses. The guiding principles of the CASP include the following:

- Maintain and enhance the Core Area as a vibrant, healthy pedestrian-oriented downtown that serves as the city’s social/cultural center and primary retail and business center. (Growth Management goal 1)
• Develop the Core Area as a livable mixed-use downtown with office, residential, retail and cultural/recreational facilities within convenient walking distance. (Growth Management goal 3)

• Maintain and enhance the Core Area as a vibrant, healthy pedestrian-oriented downtown that serves as the city’s social/cultural center and primary, but not exclusive, retail and business district, in addition to developing the core into a livable mixed use neighborhood. (Economic Development Goal 1)

• Maintain and enhance the Core Area as the City’s social/cultural center and primary retail and business district. (Urban Design Goal E)

The CASP include the following regarding historic preservation:

• Architecture. Architecture in the downtown is diverse, eclectic and varies in age. This diversity, due to historic evolution, gives the Core Area its unique sense of place. The individuality and heritage in both the residential and commercial areas need to be seen as an opportunity and preserved. Saving older buildings of merit provides a sense of continuity and adds to the complexity and richness of the community. They provide an irreplaceable record of the changing visions and values of the community. They also provide a benchmark by which the community can measure the value of proposed new buildings or additions to existing buildings.

• Historic resources. The City is a Certified Local Government which elevates the importance of historic preservation and creates a formal partnership with the State for mutual support of preservation efforts. A list of designated historical resources is attached. The Historical Resources Management Commission (HRMC) shall be consulted when decisions are made that affect historical resources in the Core Area.

The Interim Infill Development Guidelines include:

• The project preserves and protects historic resources. (Guideline 4)

The DDTRN design guidelines include:

• New investment in Davis’ traditional residential neighborhoods should respect their distinct characteristics. (Principle 6)

• Encourage adaptive reuse of traditional residential structures. (Special Character Areas, Design Objectives)

• For an existing structure that is listed as a historically significant property, design a new addition such that the evolution of the building can be interpreted. (Additions, Character Elements)
Problem.
It is not clear how best to reconcile CASP policies and actions with preservation
document requirements, such as DDTRN Design Guidelines, the Davis Register/Survey
Inventory “potential district”, and the historical resources management ordinance
requirements. Also, recognizing these designations and policies, the City has not been
clear about which designated resources and other older structures should be preserved
and which can be demolished. In addition, the City has not been clear about how new
projects in close proximity to designated resources and other older structures should be
influenced in their design including in terms of bulk and scale.

In several cases, potential historic resources and contributing historic resources have been
proposed to be demolished and needed a historical resource analysis. Examples are
Terminal Hotel, Pena House, and a Craftsman bungalow at 315 D Street;

In a pre-application review in 2015, designated historic resources (the Barovetto house
and tank house) were proposed to be demolished at 201 Second Street.

Currently, a proposed demolition or alteration of an eligible resource not consistent with
the Secretary of Interior Standards for Rehabilitation requires an EIR under CEQA. This
adds months of time and up to $50,000 to the development review process. It may not be
known if the building is an eligible resource until late in the process.

The review process to determine if a building being rehabilitated is eligible as a
designated resource can adds months of time and up to $50,000 to the development
review process.
### List of City of Davis Designated Historic Resources

Within the Core Area Specific Plan (CASP) Area

<table>
<thead>
<tr>
<th>Address</th>
<th>Historic Name</th>
<th>Designation Level* and National Register (NR) if applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richards Underpass</td>
<td>Davis Subway</td>
<td>Landmark (on NR)</td>
</tr>
<tr>
<td>First St., 221</td>
<td>A.J. Plant House</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>First St., 616</td>
<td>Boy Scout Cabin</td>
<td>Merit Resource (evaluated in Richards Underpass EIR as eligible for NR)</td>
</tr>
<tr>
<td>Second St., 209</td>
<td>Barovetto Home</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>Second St., 209 1/2</td>
<td>Barovetto Tank House</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>Second St., 505</td>
<td>H.J. Hamel House</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>Second St., 604</td>
<td>Dresbach-Hunt-Boyer Home</td>
<td>Landmark (on NR)</td>
</tr>
<tr>
<td>Second St., 616</td>
<td>Varsity Theatre</td>
<td>Landmark</td>
</tr>
<tr>
<td>Second St., 716, 718, 720, 725 and 726</td>
<td>Brinley Block</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>Second St., 840</td>
<td>Southern Pacific Station, Davis Junction</td>
<td>Landmark (on NR)</td>
</tr>
<tr>
<td>Third St., 232</td>
<td>Eggleston Home</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>Fourth St., 619</td>
<td>First Presbyterian Manse</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>A St., 310</td>
<td>Ashill-Grieve House</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>B St., 232</td>
<td>Jacobson-Wilson House</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>B Street, 301</td>
<td>Judge Scott House</td>
<td>Landmark</td>
</tr>
<tr>
<td>B St., 337</td>
<td>McDonald House</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>C St., 137</td>
<td>Clancy House</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>C St., 412</td>
<td>Davis Community Church</td>
<td>Landmark</td>
</tr>
<tr>
<td>C St., 445</td>
<td>Old Davis Library (Hattie Weber Museum)</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>F St., 226</td>
<td>Old Davis City Hall</td>
<td>Landmark</td>
</tr>
<tr>
<td>G St., 203</td>
<td>Anderson Bank Building</td>
<td>Landmark</td>
</tr>
<tr>
<td>G St., 225</td>
<td>Masonic Lodge</td>
<td>Merit Resource</td>
</tr>
<tr>
<td>G St., 301</td>
<td>Bank of Yolo</td>
<td>Merit Resource</td>
</tr>
</tbody>
</table>

*Designation Level:

- **Landmark.** Landmark means buildings, structures, objects, signs, features, sites, places, areas, cultural landscapes or other improvements of the highest scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to the citizens of the City of Davis and designated as such by the City Council pursuant to the provisions of Article 40.23 of the city's Municipal Code. A landmark is deemed to be so important to the historical and architectural fabric of the community that its loss would be deemed a major loss to the community. Once designated, Landmarks are included in the Davis Register of Historical Resources. Landmarks were formerly designated as “Outstanding Historical Resources.”

- **Merit Resource.** Merit Resource means buildings, structures, objects, signs, features, sites, places, areas, cultural landscapes or other improvements with scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to the citizens of the City of Davis and designated as such by the City Council pursuant to the provisions of Article 40.23. Once designated, Merit Resources are included in the Davis Register. Merit Resources were formerly designated as “Historical Resources.”
5. Uncertainty related to potential building heights.

Background.
The downtown zoning districts regulate building heights as follows:

- Central Commercial (CC) zoning district (central part of the Core area): Permitted building height is 2 stories but a discretionary Conditional Use Permit is required for 3 stories or higher and is not guaranteed. All projects are subject to discretionary Design Review approval.

- Mixed Use (MU) zoning district (outside of the central part of the Core area): Permitted building height is 3 stories but 4 stories or higher are not permitted even with a discretionary Conditional Use Permit. A building of more than 2 stories “should be carefully designed to avoid appearance of excessive bulk.” All projects are subject to discretionary Design Review approval.

City Council goals for 2014-2016 include the task of:

- 3E, “Adopt zoning code amendment to remove the CUP requirement for buildings over two stories.”

Problem.
The current building height regulations in the CC and MU zoning districts are inconsistent. The CC district permits 2 stories by right and requires a CUP for 3 stories or higher. The MU district permits 3 stories by right (subject to design review) but 4 stories or higher are not permitted even with a CUP.

A CUP is an inappropriate tool to regulate building height because it does not regulate “use” and cannot expire or be revoked in the event of non-compliance with conditions.

A project that may be consistent with all other adopted policies, standards and guidelines and might be desirable in a given location but is subject to a multi-month CUP review process.

Even if the CUP requirement is removed in the CC district, other building height actions may be needed in that:

- The permitted height is limited to 3 stories in the MU district. This may be considered appropriate or in need of change.

- In general, plans and policies have not been developed to guide how many stories are appropriate and where.
6. **Uncertainty related to residential densities and total floor area ratios.**

**Background.**
The CASP land use classifications state:
- Multifamily (not an area, where proposed east of B Street): Maximum density up to 30 units per net acre.
- Retail Stores (as well as the CC zoning district): Total floor area ratio up to 3.0.
- Retail with Offices (as well as the MU zoning district): Total floor area up to 1.0 for commercial only, 1.5 for mixed use, and 2.0 if bonuses for historic preservation, underground parking, and tree preservation.

**Problem.**
The CASP land use classifications are not clear if:
- A mixed use project is limited to both the stated residential density and total floor area ratio maximums, OR IF
- A mixed use project can exceed the residential density maximum if it complies with the total floor area ratio (in either the Retail Stores area or Retail With Offices area).
7. **Uncertainty of approval of parking in-lieu fees and policy aspects of in-lieu fee amounts.**

**Background.**
A fee in-lieu of providing on-site parking may be requested and if approved is $4,000 per space in the Central Commercial (CC) and Mixed Use (MU) zoning districts and $8,000 elsewhere in the city. In-lieu fees are waived for ground floor merchandising retail (per Resolution 04-51 in 2004). The resolution states that the fee reflects approximately 25% of the cost of a structured parking space with an expectation that the balance of the cost of the required parking will be provided through assessment district and redevelopment funds. (Redevelopment funds as enabled through state law are no longer available.)

In general, the City’s practice has been to approve the payment of in-lieu fees for non-merchandise retail and office but to require one on-site parking space per residential unit.

There has been continued community discussion of whether a higher fee should be imposed to some closer to the cost of providing a public parking space, or whether such an increase would discourage property redevelopment.

The Downtown Parking Task Force recommended that the parking in-lieu fee, policies and procedures be re-examined and studied. The explanation was that the City’s current parking in-lieu fee program may exacerbate downtown parking problems, particularly during peaks. Also, the conditions triggering in-lieu fees and the fee amount should be re-examined including new development, conversion of uses, and outdoor dining.

The existing program exempts ground floor retail from providing parking in new developments. The City does not require parking in-lieu fees for intensification of uses or expansion into the public right of way (such as patios). The City does not apply in-lieu fee to change in uses because the intensified use (e.g. from merchandise to restaurant) may be temporary yet the fee would, presumably, be permanent.

City Council split the 19 Downtown Parking Management Plan (DPMP) recommendations into two phases. The recommendation relating to in-lieu fees is a Phase I action item. However, the most recent DPMP Phase I status update to Council in January stated relating to in-lieu fees: “Postpone until at least 2016 unless otherwise directed.”

In the last 11 fiscal years from 2004/2005 through 2014/2015, a total of $128,000 in parking in-lieu fees have been approved and received by the City.

**Problem.**
Although a development applicant can request payment of in-lieu fees, staff does not know how many parking spaces to require on site and how many in-lieu fees to allow.
On site parking may improve marketability for commercial uses and livability for residential uses but may not be efficient use of land and detract from the character of the street and pedestrian space.
8. Reconciliation of adopted policies and codes with current densification policies of City Council.

Background.
City Council goals for 2014-2016 include: “4. Build and promote a Vibrant Downtown.” Objective 3 under this goal is “Advance densification and infill opportunities. Promote mixed use.”

Tasks under the aforementioned goal and objective include:
   - 3B, “Engage with downtown owners, developers and brokers to identify constraints to downtown development.”
   - 3C, “Prepare a resolution for City Council adoption that gives direction on how to reconcile downtown policies, standards and guidelines. Clarify directions where there are existing tensions and conflicts.”
   - 3D, “Identify potential development standard amendments (related to downtown development constraints, reconciling policies and standards).

The following factors have tended to encourage development applications in the downtown and elsewhere in the City which may not be consistent with the General Plan, CASP, zoning, DDTRN design guidelines, and the Interim Infill Development Guidelines in terms of densities, building heights and designs:
   - The aforementioned Council goal for 2014-2016 to “advance densification” promoting “densification.”
   - The rebounding regional economy.
   - The Council’s approval of the Mission Residences project at 45 units per acre density (where 30 units per acre is the maximum on a site elsewhere in the city and downtown).
   - The Council’s approval of the Parkview Place project as a non-mixed use project and with a building design differing from the DDTRN design guidelines.

In some recent development applications, designated and contributing historic resources have been proposed to be demolished.

Problem.
Staff, Planning Commission, and City Council do not know how to reconcile the inconsistencies in terms of:
   - Where densification should be encouraged and discouraged, and how much.
   - What should guide decisions when applications are not consistent with (and sometime greatly exceed the standards of) all existing policies and codes.
   - What to tell the next potential applicant who wants to know if they can exceed current policies and codes.

Staff does not know whether a traffic analysis should be required for a project in that Level of Service F is acceptable in the core area.
Staff does not know whether parking space standard ratios in the core area are appropriate. The standards should be reviewed. Potential incentives for less surface parking should be considered.

Resources are not available to do a comprehensive amendment to the General Plan and CASP. A Planning Commission subcommittee is in the process of analyzing the CASP and by June 2016 is scheduled to make recommendations for possible amendments.
9. **Need to review boundaries of the commercial core and mixed use transition areas.**

   **Background.**
   The following documents generally have areas consisting of commercial core and mixed use transition areas with these differing titles and slightly differing boundaries:
   - CASP: Retail Stores and Retail With Offices.
   - Zoning: C-C and M-U.
   - DDTRN Design Guidelines: Commercial Core and Mixed Use Transition.

   **Problem.**
   The boundaries of these areas should be reviewed as the uses and intensities may or may not be valid. Specifically, the mixed use transition area surrounding the Fifth Street and G Street area has developed in recent years more like what is envisioned in the commercial core area.

**Background.**
These general guidelines were adopted in 2001 per several policies and actions in the General Plan calling for guidelines and strategies for infill development projects.

**Problem.**
The guidelines should be reviewed and updated to consider policies that have been adopted since 2006, including but not limited to:
- SACOG Blueprint principles
- Climate Action and Adaptation Plan
- City Council Goals for 2015-2016 and work program
11. Requirement that a bank in neighborhood centers must be a satellite of an existing facility in the core area discourages redevelopment in core area.

Background.
The City’s Commercial Neighborhood (C-N) zoning district requires a Conditional Use Permit for “Financial Services, provided that a bank or savings and loan institution must be a satellite of an existing facility in the core area.”

Problem.
This requirement in the C-N district is a disincentive to a bank or savings & loan leaving the core area because a satellite requires an existing facility (that is, a main branch) in the core area.

Due to changes in how people do banking, large bank buildings in the core have a relatively low intensity of use by customers.
12. Unclear expectations for collaboration with interested residents.

**Background.**
The General Plan includes:
- Promote progressive, innovative and effective citizen-based planning and participation. (GOAL IMP 2)
- Continue to promote community review of the environmental and social impacts of new projects and developments. (Policy IMP 2.1)
- Strengthen the neighborhood noticing and participation program used for major public projects and private development projects …including general plan amendments, zone changes…(Action IMP 2.1b)

The Interim Infill Development Guidelines include:
- The applicant has made a good faith effort to obtain input from interested citizens and respond to the concerns. (Guideline 19)

**Problem.**
Recent project applications have been submitted without prior collaboration with interested citizens, resulting in these problems:
- Neighbors find out for the first time when staff sends notices. They state they have not been involved, consulted, or been given an opportunity to comment.
- Pre-applications provide an opportunity for the Planning Commission and neighbors to have early input but the applicants do not request pre applications and requires staff to either encourage or require.
- The applicant makes a major investment in planning and design cost without knowing what comments residents may have, and may be less willing to make changes.

Outreach which is not based on a clear process, with clear objectives and expectations, may not be beneficial. Some parties may not engage at appropriate times and raise objections at the end of the process.

Expectations for collaboration are unclear but could include:
- Minimum level: Outreach, inform, seek comments and respond to issues.
- Higher level: Openly explore alternatives including alternatives that would: (1) be consistent with Core Area plans, codes and guidelines; (2) balance plans, codes and guidelines, comments received, applicant’s objectives; and economic feasibility.
13. Specific conflicts or errors in need of clarification or correction.

Problem. Specific sites in the downtown area have specific conflicts that should be clarified or corrected.

a. Boy Scout Cabin lot at First Street and Richards Boulevard.
   - CASP: Public / Semi public
   - Zoning: Central Commercial - CC
   - DDTRN design guidelines: Downtown Core Commercial and Mixed Use

b. Properties in the Second Street / I Street / railroad area.
   - CASP: Not in CASP; Residential Low Density in General Plan
   - Zoning: Industrial Research - IR (which does not allow residential use)
   - DDTRN design guidelines: Old East Traditional Residential Neighborhood

c. Properties between Sweet Briar Place and Eighth Street.
   - CASP: Retail With Offices
   - Zoning: Mixed Use - MU
   - DDTRN design guidelines: Just north of and not within Old East Traditional Residential Neighborhood

d. Trackside Center site on the north side of Third Street between the railroad tracks and the alley west of I Street.
   - CASP: Retail with Offices
   - Zoning: Mixed Use - MU
   - DDTRN design guidelines: Old East Traditional Residential Neighborhood

e. Property northwest of Fifth Street and G Street (now Yolo Federal Credit Union)
   - CASP: Retail With Offices
   - Zoning: PD-CC (Central Commercial)
   - DDTRN design guidelines: Old North Traditional Residential Neighborhood

The CC and MU zoning districts in the Core Area should be amended to clarify whether the following uses are permitted uses, conditional uses, or prohibited uses:

- Bars
- Night clubs

Residential uses need to be restored in the list of permitted uses in the CC zoning district. This use category was mistakenly deleted when another amendment was being codified. This deletion is confusing until the category is restored in the zoning text.
Attachments
1. Glossary of Terms
2. General Relationship of Plans, Zoning and Guidelines
3. Core Area Maps
   • Major Property Ownership
   • Core Area Specific Plan Land Uses
   • Existing Zoning
   • DDTRN Design Guidelines – Traditional Residential Neighborhoods
   • DDTRN Design Guidelines – Commercial Core, Mixed Use Transition, Special Character Areas
   • Designated Historic Resources
   • Existing Buildings
GLOSSARY OF TERMS

See the applicable definitions below (not in alphabetical order, roughly ordered from general to specific in nature).

General Plan. A “constitution” for future development. Expresses the community’s development goals and embodies public policy relative to the distribution of future land uses, both public and private. Is general, issue-comprehensive (land use, circulation, housing, open space, etc.), and has a long-term perspective. Contains:

- Vision (broad statements about the preferred community future).
- Goals (ideal future ends which may be measurable over time).
- Objectives (specified end, condition, or state that is an intermediate step toward attaining a goal);
- Principles (assumptions or fundamental doctrines);
- Policies (specific statements that guide decision-making);
- Standards (rules or measures establishing a level of quality or quantity that must be complies with or satisfied);
- Implementation measures (actions that carry out policies).  
  (source: State of California General Plan Guidelines)

A General Plan is adopted and amended by resolution.

Specific Plan. A plan adopted by a city to implement its general plan for designated areas. Provides a link between General Plan policies and individual development proposals. Contains the locations for land use densities, streets, and other public facilities in greater detail than the general plan map and text. Authorized by State of California Government Code 65450 et seq.  
(Curtin, California Land Use and Planning Law) A specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development from the type, location and intensity of uses to design guidelines.

Specific plans may vary in scale and range of issues. Issues may include but are not limited to historic preservation, environmental quality, residential development, economic development, architectural regulation, commercial / industrial parks, and urban infill. These issues will form the basis for the detailed policies and implementation measures of the specific plan. A specific plan may be a policy document that is adopted by resolution, or may be regulatory and adopted by ordinance.  
(State of California OPR, The Planner’s Guide to Specific Plans)

Zoning Ordinance. A law dividing all land in a city into zones and specifies permitted uses and development standards required in each zone.  
(Fulton and Shigley, Guide to California Planning) Adopted as an ordinance.

Form-Based Code. A development regulation which using physical form as the organizing principle. An alternative to conventional zoning involving segregation of land uses and controls of development intensity through parameters such as FAR, densities, setbacks, etc. A form-based code implements a community plan. It addresses the relationship between buildings and
the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations in form-based codes are presented in both words, diagrams, and other visuals which are keyed to a “regulating plan” that designates the appropriate form and scale (therefore, character) of development, rather than primarily distinctions in land-use types. *(Form-Based Codes Institute)*

**Guidelines.** An indication or outline of policy, guiding information. *Webster Collegiate Dictionary.*

**Design Guidelines.** A basis for design and the review of architectural and site design. Statements that explain and illustrate a preferred policy direction. Provide flexible guidance rather than minimum quantifiable standards which are adopted by ordinance (typically zoning). *(DDTRN Design Guidelines)* A basis for understanding, discussing, and assessing the design quality of proposed preservation, renovation, and new construction. *(City of Boulder CO, Downtown Urban Design Guidelines)* Design Guidelines are adopted by resolution.

**Design Review.** Process by which a decision-making body considers a project’s consistency with design standards and design guidelines established for new development. *(Fulton and Shigley, Guide to California Planning)*

**Ordinance.** A law adopted by a city council per Government Code 36900 et seq. *(Curtin, California Land Use and Planning Law)*

**Resolution.** A resolution is a formal expression of will or intent by an official body (that is, the City Council). *Webster Collegiate Dictionary.*

**Standards.** A measure establishing a level of quality or quantity that must be complied with or satisfied. Requirements in a zoning ordinance that govern building and development, for example, site design regulations such as lot area, height limit, floor area ratio. *(source: State of California General Plan Guidelines)*

**Historic Resource Survey.** An identification, record and evaluation of historic properties within a community or project area. Surveys provide the information needed to make informed planning decisions, prioritize preservation goals and objectives, develop and implement land use policies, and other activities. Surveys assist in the identification of resources worthy of designation in a local register of historic resources, state and national registers, as well as properties potentially eligible for tax benefits or other preservation incentives. *(State of California Office of Historic Preservation)*
GENERAL RELATIONSHIP OF PLANS, ZONING AND GUIDELINES

**General Plan.** Provides long-term, general, and comprehensive policy related to land uses, circulation, housing, open space, etc.

**Climate Action and Adaptation Plan (CAAP).** Provides the City’s greenhouse gas (GHG) reduction targets and actions to meet those targets by addressing eight sectors of local activities that produce GHG emissions. This plan is consistent with, but is currently not an element of, the General Plan.

**Core Area Specific Plan (CASP).** Provides greater specificity of policies and implementation strategies for the Core area than the General Plan.

The CASP is:
- A comprehensive set of policies and implementation strategies for guiding and regulating growth in the Core area. Establishes the strategies to execute the General Plan for the Core area. (Purpose section).
- The General Plan states that the CASP is to provide for mixed-use development of a variety of types in downtown Davis, in keeping with the downtown’s role as the commercial and social center of Davis. (Core Specific Plan Area land use category in General Plan)
- A document which contains 11 land use classifications (page 26-29) with allowable uses, densities, and floor area ratios for some classifications. (Note: The Core area zoning districts, CC and MU, contain use, height, floor area ratio, yard, and parking regulations. A project must comply with both the CASP and the Core area zoning districts, and whichever is more restrictive if there are conflicts.)
- For the most part, a policy plan as it is adopted and amended by resolution.

The CASP is not (other than the allowable uses, densities and floor area ratios mentioned above):
- A regulatory plan adopted by ordinance.
- A document of quantitative standards that are unequivocal (as in a zoning ordinance).

**Core area zoning districts (CC, MU).** Specify permitted uses and development standards allowed within these zoning districts.

**Davis Downtown and Traditional Residential Neighborhood (DDTRN) design guidelines.** Provide guidance for site and architectural design.

The DDTRN design guidelines are:
- Statements that explain and illustrate a preferred direction for site and building design, and provide flexible guidance. (per page 8 of the DDTRN design guidelines)
- Adopted by resolution which is an expression of intent.
- The DDTRN design guidelines states on page 8 that these guidelines build upon the Core Area Specific Plan (which provides basic policy direction for development in
the core area and some basic guidelines which serve as the foundation for the DDTRN design guidelines and the Downtown Strategy Report (which focuses on economic development objectives and recommends a mix of complementary land uses).

- The DDTRN design guidelines state on page 8 that: “Given the nature of this document, that it is designed primarily to provide guidance toward preserving and enhancing the character …of the district, descriptive rather than quantitative statements are most often used. …flexibility is necessary given the variability of the special character areas. It is through zoning that appropriate minimum standards can be set. It is anticipated that further implementation of these guidelines will be realized once anticipated zoning revisions have been completed.”

The DDTRN design guidelines are not:

- Regulations pertaining to permitted uses and quantitative development standards (as in a zoning ordinance).
- Adopted by ordinance (as in a zoning ordinance).

If there are inconsistencies in the DDTRN design guidelines:

- The DDTRN design guidelines contain (using the “Mixed Use Design Guidelines” and “Mixed Use Character Areas” on pages 54 through 77 as an example):
  - General: General “objectives” and “guidelines” for topics of: site design; building mass and scale; building form and rooflines; building entrances; architectural features; building materials and colors; signs and lighting; and outdoor spaces.
  - Character Areas: “Key features”, “design objectives”, and “guidelines” for Character Areas (for areas such as “Core Transition North”).

- The DDTRN design guidelines state on page 8 that some of the policies in the DDTRN design guidelines anticipate changes to the zoning ordinances, and if there are inconsistencies between the design guidelines and zoning standards, the more restrictive applies.

- Staff finds that:
  - A project does not need to meet all or a specific number or proportion of the applicable guidelines but should meet a preponderance (that is, at least a majority or more than a majority).
  - In general, the design objectives and guidelines in the Character Area sections are more important than the general objectives and guidelines (if they are competing). In general, the objectives in the Character Area sections are more important than the individual guidelines (if they are competing).

Interim Infill Development Guidelines. The City Council adopted these guidelines by resolution in 2001 to provide guidance for the review of a wide variety of citywide infill development projects with discretionary applications until final and specific guidelines are adopted by City Council. The DDTRN design guidelines is an example of more specific guidelines that were adopted.

The stated intent of the guidelines is to encourage infill development projects which are beneficial to the community, protective of existing neighborhoods, and well designed. The intent
is to minimize impacts on the City as a whole and on existing residential neighborhoods. The guidelines establish basic principles and statements of preferred policy direction to guide the review of applications. The guidelines are intentionally flexible to: recognize the unique circumstances of every site; address the wide range of projects subject to the guidelines; and to encourage uniqueness and diversity of design rather than homogeneity.
Major Property Ownership

1. City of Davis (21 parcels)
2. DDD Partnership (9)
3. Davis Third (7)
4. Kidd James A (5)
5. Davis Enterprise Inc. (5)
6. House Jennifer, et al. (4)
7. Harrington Living Trust (4)
8. U.C. Davis (4)
9. Naka Davis LLC (4)
10. Abbott Rev Trust (4)
11. Davis Lumber & Hardware Co. (4)
12. Henderson Kenneth & Patricia & Henderson Kenneth (3)
13. 232 University Avenue Co., LLC (3)
14. Sherman Construction Co. (3)
15. Britney Downtown Properties (3)
16. Beta Epsilon Assoc. Theta Xi (3)
Designated Historic Resources

See attached list of historic resources.
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