

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 40 OF THE DAVIS MUNICIPAL CODE, AMENDING PLANNED DEVELOPMENT #4-88 RELATING TO PERMITTED USES, BUILDING HEIGHT, SIGNS, AND OUTDOOR USES IN THE LIGHT INDUSTRIAL / BUSINESS PARK SUBAREA**

WHEREAS, Planned Development (PD) #4-88 establishes zoning standards for the Mace Ranch Subdivision, including the Light Industrial Subarea along Second Street; and

WHEREAS, the Light Industrial / Business Park subarea PD #4-88 is based upon the light industrial zoning district with the addition of other uses compatible with the area and the intent of the Planned Development; and

WHEREAS, amending PD #4-88 to allow an extended stay hotel in the Light Industrial / Business Park subarea between Second Street and Interstate 80 will help meet a demand for this type of land use and will also support industrial research uses but providing accommodations to visitors to the industrial research businesses; and

WHEREAS, modifications to the building height and floor area ratio for a hotel use, and allowing outdoor recreation facilities will facilitate development of the subarea by allowing flexibility for building siting; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 24, 2016, to receive comments and consider amendments to PD #4-88; and voted unanimously to approve adoption of the amendment; and

WHEREAS, the City Council held a duly noticed public hearing on November 1, 2016, and based on oral testimony and evidence reviewed during the public hearing, determined that Negative Declaration #6-15 adequately addresses the potential environmental impacts of the project and the appropriate finding were made.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1. PRELIMINARY PLANNED DEVELOPMENT CHANGE**

Planned Development #4-88 Mace Ranch Planned Development, is hereby amended as shown below.

**SECTION 2. PURPOSE OF LIGHT INDUSTRIAL /BUSINESS PARK SUBAREA.**

Section 3A Purpose of the Light Industrial / Business Park subarea of Planned Development #4-88 is hereby amended as follows:

The purpose of the light industrial / business park subareas is to provide an environment exclusively for and conducive to the development and protection of modern, large scale administrative facilities, research institutions and specialized manufacturing organizations all of a non-nuisance type. Hotels and other similar uses supportive of the permitted uses may be conditionally permitted in the area between Second Street and Interstate 80.

**SECTION 3. USES.**

Section 3(C), Accessory Uses within the Light Industrial / Business Park subarea of Planned Development #4-88, is hereby amended as follows:

- (a) Signs, subject to the provisions of 3.H.19 or as otherwise established in a Conditional Use Permit, subject to review and approval by the Department of Community Development and Sustainability.

Section 3D, Conditional Uses within the Light Industrial / Business Park subarea of Planned Development #4-88, is hereby amended as follows:

- (b) Retail commercial uses such as restaurants and auto service stations, necessary to serve and appropriate to the I-R district. Hotel uses may be permitted in the area between Second Street and Interstate 80.

**SECTION 4. AREA AND YARD REQUIREMENTS.**

Section 3E3, Yard requirements within the Light Industrial / Business Park subarea of Planned Development #4-88, is hereby amended as follows:

All yards. Twenty-five (25) feet, except for any yard abutting the Mace Ranch drainage channel shall provide a setback of forty (40) feet, measured from the southern boundary line of the Mace Ranch drainage channel easement. Unless the property line is changed due to the creation of a separate parcel for the drainage channel, setback for yards abutting the drainage channel shall be a minimum of 130 feet measured from the northern property line. Notwithstanding the above, the Second Street setback for any hotel use at the corner of Second Street and Mace Boulevard shall have a setback of twenty (20) to twenty-five (25) feet, as established through Site Plan and Architectural Review, to allow for building articulation.

**SECTION 5. BUILDING HEIGHT.**

Section 3F, Building height within the Light Industrial / Business Park subarea of Planned Development #4-88, is hereby amended as follows:

Building height. No structure shall exceed forty (40) feet; except that no structure located within one hundred (100) feet of a residential property line shall exceed twenty (20) feet and except that a hotel may have building height up to fifty (50) feet, as specified by the use permit.

**SECTION 6. FLOOR AREA RATIO.**

Section 3G, Floor Area Ratio within the Light Industrial / Business Park subarea of Planned Development #4-88, is hereby amended as follows:

Floor Area Ratio: Maximum floor area ratio: 50 percent except that a hotel may have a floor area ratio up to 100 percent, as specified by the use permit.

**SECTION 7. SPECIAL CONDITIONS.**

Section 3H(18), Special Conditions for the Light Industrial / Business Park subarea of Planned Development #4-88:

Enclosure: All activities to be conducted wholly within a structure, except for off-street parking and loading facilities and recreational areas.

**SECTION 8. MITIGATION MEASURES.**

The planned development district is subject to the mitigation measures in the environmental negative declaration for this project. A copy of the mitigation measures marked Exhibit B are attached hereto.

**SECTION 9. FINDINGS.**

The City Council of the City of Davis hereby finds:

1. The proposed amendment is in conformance with the General Plan as proposed for amendment, which designates the site "Office," a land use that permits industrial research use and will add hotels under this application.
2. The adoption of the proposed rezone will be consistent with the Zoning Ordinance, as the purpose of the Planned Development District is to allow for diversification in the relationship



## **Mitigation Measures:**

### **1. BIO-1. Burrowing Owl Surveys and Passive Exclusion**

- *For active burrowing owl burrows on-site or within specified buffer distances, the following seasonal restrictions and buffer distances shall be implemented:*
  - *During the non-breeding season (1 September through 31 January), the biologist shall establish a 160 ft environmental sensitive area (ESA) around the burrow.*
  - *During the breeding season (1 February through 31 August), the biologist shall establish a 250 ft ESA around the burrow in consultation with CDFW. Based on the existing level of disturbance on site and the close proximity of existing transportation, retail, commercial, and residential land uses a 250 buffer is sufficient to protect active burrowing owl burrows.*
  - *The size of the ESA may be reduced if the biologist monitors the construction activities and determines that no disturbance to the burrowing owl is occurring. Reduction of ESA size depends on the location of the burrow relative to the project, project activities during the time the burrow is active, and other project-specific factors.*
  - *If the burrow is located within the construction zone and it is during the non-breeding season, the burrowing owl can be passively excluded from the burrow using one-way doors, as described in the Exclusion Plan of Appendix E of the Staff Report on Burrowing Owl Mitigation (CDFW 2012).*
  - *If the burrow is located within the construction zone and it is during the breeding season, the burrow owl can only be passively excluded if it has been confirmed by a qualified burrowing owl biologist that the owl has not begun egg laying and incubation, clutch was unsuccessful, or juveniles from the occupied burrows are foraging independently and are capable of independent survival.*
- *A Burrowing Owl Exclusion Plan will be prepared and implemented in accordance with Appendix E of the 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012). Plan implementation will only occur after CDFW approval of the Plan.*
- *The Burrowing Owl Exclusion Plan will require site monitoring prior to, during, and after exclusion of burrowing owls from their burrows sufficient to ensure take is avoided. The Applicant will conduct daily monitoring for a minimum of one week to confirm the young of the year have fledged if the exclusion will occur immediately after the end of the breeding season.*
- *Prior to the implementation of the approved burrow exclusion plan, the project biologist shall coordinate with CDFW and offer the owls to be included in any current applicable study, if the study is able to exclude the owls in 2017. Should CDFW decline the inclusion of these owls in that study, the developer will implement a monitoring program, via a qualified burrowing owl biologist, as described in the CDFW approved Project Burrowing Owl Exclusion Plan.*
- *A summary monitoring report shall be submitted to the City of Davis and CDFW upon conclusion of monitoring.*
- *The developer may choose to work with burrowing owl researchers to translocate any owls found on the Project property, in-lieu of exclusion, as long as such translocation is*

*approved by the California Department of Fish and Wildlife with the appropriate permits. Translocation of burrowing owls would be completed prior to any soil disturbance or construction activity on the site.*

#### Literature Cited

California Department of Fish and Game (DFG). 7 March 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, CA.

### **2. BIO- 2. Burrowing Owl Habitat Mitigation**

- *Prior to implementing passive exclusion, translocation, or issuance of a grading permit, the applicant shall mitigate for the loss of burrowing owl nesting habitat in the amount of six (6) acres. Mitigation lands shall be of greater quality than the existing site with the same or greater number of suitable nest burrows and occupied by nesting burrowing owls.*
- *Mitigation acres may be acquired at a CDFW approved burrowing owl mitigation or conservation bank or permanently protect private lands that provide suitable nesting burrowing owl habitat. Use of private lands for burrowing owl mitigation will require recordation of a conservation easement, a burrowing owl habitat management plan, and establishment of an approved endowment to fund for the perpetual management activities. The applicant may use the permanent protection of Swainson's hawk foraging habitat and/or the purchase of Swainson's hawk foraging credits to satisfy this requirement, provided CDFW verifies that those lands and proposed uses are suitable for burrowing owl.*

#### Literature Cited

California Department of Fish and Game (DFG). 7 March 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, CA.

### **3. BIO-3. Disturbance to Swainson's Hawk Nesting**

1. Construction should be timed to begin outside of the hawk's breeding season (February 1 thru August 31, annually).
2. If construction must be scheduled to begin during the nesting season, a Swainson's hawk nest survey shall be conducted within ¼ mile of the site, no sooner than two weeks prior to the start of construction activity.
3. Construction may be delayed or require formal Department of Fish and Wildlife consultation should active nests be present within ¼ mile during the pre-construction surveys.

### **4. Interior Noise Levels Exceeding City of Davis Standards**

All 3rd and 4th-floor guestroom windows with a view of Interstate 80 be upgraded to an STC rating of 32.