

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 40 OF THE DAVIS MUNICIPAL CODE, AMENDING PLANNED DEVELOPMENT #2-12 RELATING TO PERMITTED USES, BUILDING HEIGHT, SIGNS, AND OUTDOOR USES

WHEREAS, Planned Development (PD) #2-12 establishes zoning standards for 2750 and 2800 Cowell Boulevard, which consists of 3.37 acres in a two parcels; and

WHEREAS, PD #2-12 is based upon the light industrial zoning district with the addition of commercial recreation use; and

WHEREAS, amending PD #2-12 to allow an extended stay hotel will help meet a demand for this type of land use and will still support industrial research uses; and

WHEREAS, modifications to the number of permitted stories and allowing outdoor recreation facilities will facilitate development of the site by allowing flexibility for building siting; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 24, 2016, to receive comments and consider amendments to PD #2-12; and voted that it could not recommend approval of the amendment; and

WHEREAS, the City Council held a duly noticed public hearing on November 1, 2016 and again on January 24, 2017, and based on oral testimony and evidence reviewed during the public hearing, determined that Negative Declaration #4-15 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. ZONING MAP CHANGE

Section 40.15 (zoning map) of Chapter 40 of the Davis Municipal Code (hereinafter “City of Davis Zoning Ordinance”) as amended, is hereby amended the zoning designation of the parcel (Assessor’s Parcel Number 69-390-030 and 69-390-031) constituting approximately 3.37 acres as shown on the map, marked Exhibit A attached hereto, to Planned Development (PD) #2-12B (I-R).

SECTION 2. PURPOSE.

Section 2, Purpose of Planned Development #2-12, is hereby amended as follows:

The purpose of the industrial administrative and research (I-R) district is to provide an environment for and conducive to the development and protection of modern, large-scale administrative facilities, research institutions, specialized

manufacturing organizations, extended-stay hotel only on the property at 2750 Cowell Boulevard (APN #069-390-031), and commercial recreation, all of a non-nuisance type.

SECTION 3. USES.

Section 3(B), Accessory Uses within Planned Development #2-12, is hereby amended as follows:

- (a) Signs, subject to the provisions of Section 40.26.020 or as otherwise established in a Conditional Use Permit, subject to review and approval by the Department of Community Development and Sustainability.

Section 3C(b), Conditional Uses within Planned Development #2-12, is hereby amended as follows:

- (b) Retail commercial uses such as restaurants, extended-stay hotel only on the property at 2750 Cowell Boulevard (APN #069-390-031), and auto service stations, necessary to serve and appropriate to the I-R district.

SECTION 4. GENERAL REQUIREMENTS.

Section 4A, General Requirements for PD#2-12, is hereby amended as follows:

- A. Height Regulations. No structure shall exceed ~~three~~ four stories or fifty feet in height, excepted as provided in Section 40.27, and as greater heights may be permitted for planned developments, subject to provisions of Section 40.32.

SECTION 5. SPECIAL CONDITIONS.

Section 5(b), Special Conditions for PD #2-12, is hereby amended as follows:

- (b) All uses shall be conducted wholly within a completely enclosed building, except for auto service stations, off-street parking and loading facilities, recreational areas, and public utility substations.

SECTION 6. 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, to Planned Development #2-12B (I-R).

SECTION 7. 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 “Business Park”, a land use that permits industrial research and commercial recreation use and will add extended-stay 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 of various buildings and structures and provide relief from the rigid standards of conventional zoning.
3. The public necessity, convenience and general welfare require the adoption of the proposed amendment.
4. Any hotel and recreational uses shall be appropriate in area, location and overall planning for the purpose proposed and the surrounding area shall be protected from any adverse effects from such development.
5. Mitigated Negative Declaration #2-12 and #4-15 have been prepared for this project and declares that impacts of the project will be less than significant with the mitigation measures adopted; and that pertinent mitigation measures in the General Plan and the South Davis Specific Plan would apply to the development of the subject site.

SECTION 8. EFFECTIVE DATE.

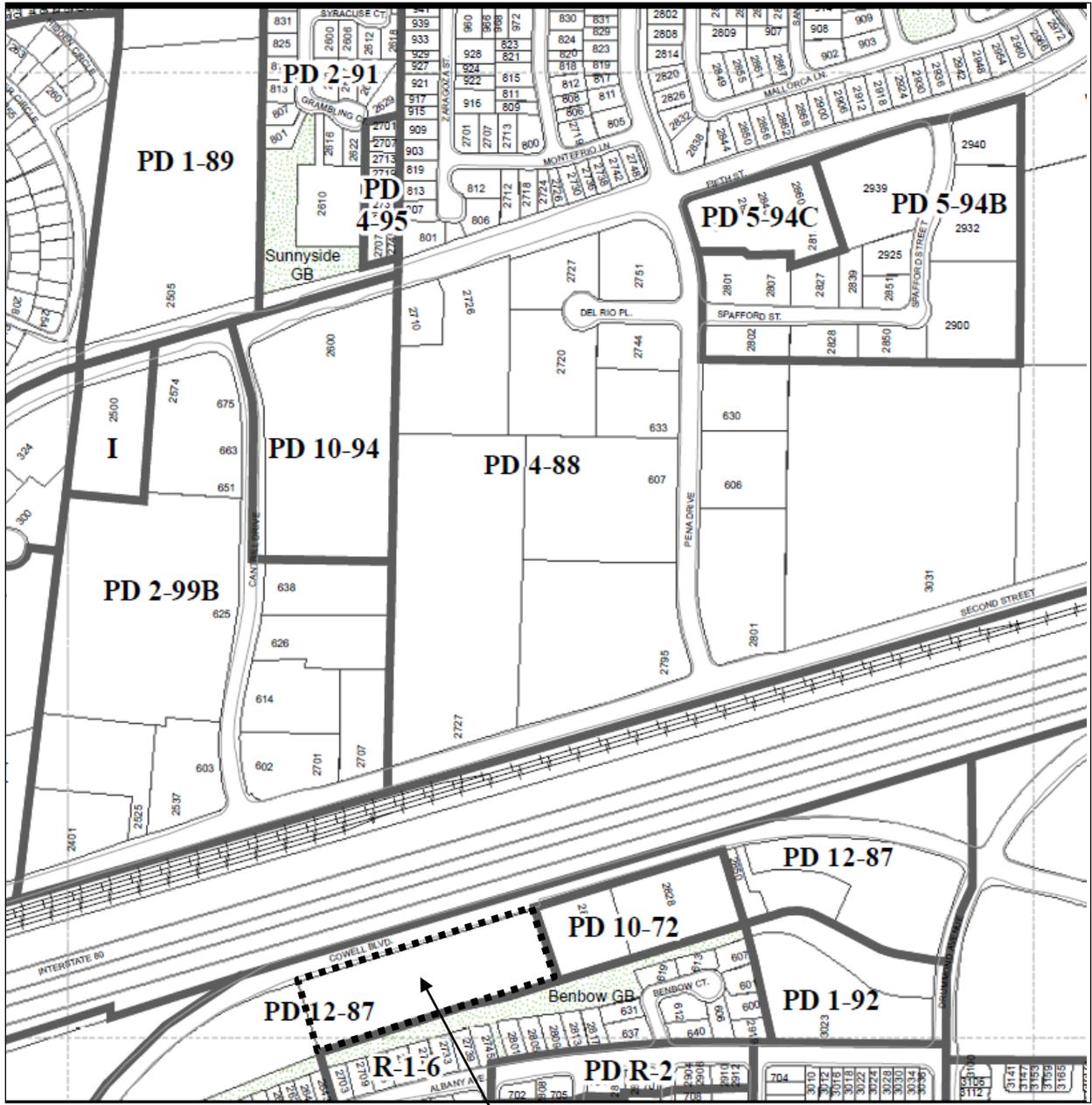
This ordinance shall become effective on and after the thirtieth (30th) day following its adoption. INTRODUCED on _____, 2016, AND PASSED AND ADOPTED on _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:

ATTEST:

Robb Davis
Mayor

Zoe Mirabile, CMC
City Clerk



Parcels to be Rezoned from PD #2-12 to PD #2-12B

Mitigation Measures

1. Disturbance to Burrowing Owl Nesting

1. A preconstruction survey for burrowing owls shall be conducted no sooner than two weeks prior to soil disturbing work.
 - a) If owls are confirmed using the property during the non-breeding season (September 1 through January 31), then the owls may be passively excluded by a qualified biologist as described in the California Department of Fish and Wildlife's (CDFW) 2012 Burrowing Owl Mitigation Guidelines with an approved owl Exclusion Plan.
 - b) If the site is occupied by owls during the breeding season (Feb 1 through August 31), then no soil disturbance or construction activity may occur until the owls' reproductive cycle has finished (as verified by a qualified biologist) and the owls have been excluded in accordance to CDFW 2012 guidelines with an approved Exclusion Plan passively relocated.

2. 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 the start of construction activity or any work affecting the trees on the greenbelt. The ¼ mile distance shall reflect the area to be affected by the tree pruning, storm drain extension, and bike path replacement in addition to the subject property.
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.

3. Impact on Greenbelt Trees

- a. Revise parking lot detail to utilize drain rock rather than AB in between concrete strips.
- b. Specify on plans to excavate for curb installation with water or air under ISA Certified Arborist supervision. If roots greater than or equal to 2 inches in diameter are encountered, bridge curb over roots allowing space for roots to expand in girth.
- c. Conduct a meeting to discuss tree preservation guidelines with the Consulting Arborist and all contractors, subcontractors and project managers prior to the initiation of demolition and construction.
- d. Prior to any demolition activity on site, identify (tagged) trees to be preserved and install tree protection fencing in a circle centered at the tree trunk with a radius equal to the defined tree protection zone (see table) unless otherwise indicated in construction plans. Tree protection fences shall be made of chain link with posts sunk into the ground. These fences shall not be removed or moved until construction is complete. Avoid soil or above ground disturbances within the fenced area.
- e. Any pruning required for construction or recommended in this report shall be performed by an ISA Certified Arborist or Tree Worker. Pruning for necessary clearance shall be the minimum required to build the project and performed prior to demolition by an ISA Certified Arborist.
- f. Avoid grading, compaction, trenching, rototilling, vehicle traffic, material storage, spoil, waste or washout or any other disturbance within tree protection zones (TPZ's) outside of drive and parking areas.
- g. Any work that is to occur within the protection zones of the trees shall be monitored by the Consulting Arborist.

- h. If roots larger than 1 inch or limbs larger than 3 inches in diameter are cut or damaged during construction, contact Consulting Arborist as soon as possible to inspect and recommend appropriate remedial treatments.
- i. All trees to be preserved shall be irrigated once every week during non-Winter months to uniformly wet the soil to a depth of at least 18 inches under and beyond their canopies.

4. Impact on Tree #8

- a. Property owner shall comply with all provisions of Mitigation Measure #3 for Tree #8.
- b. Property owner shall post a bond or other security for the appraised value of Tree #8 prior to the issuance of building permits, which will be released if the trees are still healthy upon completion of the 18-month monitoring period. The value of any damage to the tree will be taken from the bond and deposited into the City's tree preservation fund, as established in Section 37.030.070(b) of the Municipal Code.

5. Impact on Chinese Tallow Trees

- a. Conduct a meeting to discuss tree preservation guidelines with the Consulting Arborist and all contractors, subcontractors and project managers prior to the initiation of demolition and construction.
- b. Prior to any demolition activity on site, identify trees to be preserved and install tree protection fencing in a circle centered at the tree trunk with a radius equal to one foot per inch trunk diameter (outside of paved areas). Tree protection fences shall be made of chain link with posts sunk into the ground. These fences shall not be removed or moved until construction is complete.
- c. Pruning for necessary equipment clearance shall be the minimum required to build the project and performed prior to demolition by an ISA Certified Arborist or Certified Tree Worker.
- d. Avoid grading, compaction, trenching, rototilling, vehicle traffic, material storage, spoil, waste or washout or any other disturbance within tree protection zones. Any work that is to occur within the protection zones of the trees shall be monitored by the Consulting Arborist.
- e. If roots larger than 1 inch or limbs larger than 3 inches in diameter are cut or damaged during construction, contact Consulting Arborist as soon as possible to inspect and recommend appropriate remedial treatments.
- f. All trees to be preserved shall be irrigated once every week during non-Winter months to uniformly wet the soil to a depth of at least 18 inches under and beyond their canopies.

6. Impact on Canary Pine Trees

- a. Compliance with all measures identified in Mitigation Measure #5 for the Chinese tallow trees, above.
- b. Between November 1 and January 31, and no less than two weeks before trenching for the storm drain in the area of the Canary Island Pines, applicant shall remove the asphalt and prune the roots of the trees within the required three-foot trench area. The path may be closed as necessary with proper notice to the satisfaction of the Public Works Department.
- c. Consulting Arborist shall monitor health of the trees and provide monthly reports to the City of Davis Arborist and Department of Community Development and Sustainability, from the onset of construction in the area through 18 months from completion of construction near the trees.
- d. Property owner shall post a bond or other security for the appraised value of the Canary Island Pines prior to the approval of improvement drawings for the storm drain and bicycle path replacement, which will be released if the trees are still healthy upon completion of the 18-month monitoring period. The value of any damage to the trees will be taken from the bond and deposited into the City's tree preservation fund, as established in Section 37.030.070(b) of the Municipal Code.