

2750 Cowell

CONDITIONS OF APPROVAL

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I. GENERAL REQUIREMENTS, FEES, AND TIME LIMITS

1. **SUBSTANTIAL CONFORMANCE.** The project shall be completed in substantial conformance to the plans presented to the City Council on _____, except as modified herein. Design changes that require modifications to uses, elevations or site features shall be submitted for review and approval through the planning review process as a amendment to the Conditional Use Permit. Specific Conditional Use Permit approvals include a four-story 118-room extended stay hotel with guest lobby, bar, guest gathering/meeting room, fitness room, and outdoor common area and swimming pool. This Conditional Use Permit also allows project signage to deviate from the size and location requirements of the Zoning Ordinance, subject to review and approval of the Director of Community Development and Sustainability. (ALL)
2. **COMPLIANCE WITH CONDITIONS OF APPROVAL.** Prior to issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the Community Development & Sustainability Department. (DR/FPD/CUP)
3. **RUN WITH THE LAND.** The terms and conditions of this approval shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assignees of the property owner. (ALL)
4. **REVISED PLANS.** Revised plans and building elevations incorporating all conditions of approval for this project shall be coordinated and submitted to the Community Development & Sustainability Department as one package in accordance with plan check requirements. All plans including site, grading, landscape, irrigation, mechanical and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, encroachment, building, etc.) Any changes to the size, colors, construction materials, design or location of any structure on site, or other site or landscape improvements shall not be made without prior City approval. (DR/FPD/CUP)
5. **PERMIT EXPIRATION.** The Conditional Use Permit shall become null and void after a period of 18 months if either the use permit has not been used or if substantial construction in good faith reliance on the approval has not commenced subsequent to such approval. The Community Development & Sustainability Department may extend the expiration date for one or more periods not exceeding a total of 18 months upon a showing that the circumstances and conditions upon which the approval was based have not changed. A written request for a time extension, application, required exhibits and plans, and applicable fees must be submitted at least thirty days prior to the expiration. (CUP)
6. **APPLICANT'S NOTIFICATION RESPONSIBILITY.** The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements herein, in the City of Davis Municipal Code, including obtaining a business license, hours of operation, noise ordinance requirements, all applicable state and federal laws and regulations. (ALL)
7. **CONFLICTS.** When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail, unless specifically stated in the conditions of approval. The fact that exhibits were included to City Staff Reports, or not appropriately corrected when signed of by

the department does not override and invalidate the approved written conditions of approval.
(ALL)

8. **CONTINGENCIES.** This approval is contingent upon the approval of General Plan Amendment application #4-16 and Rezoning / Planned Development Amendment application #7-15.
(CUP/DR/FPD)
9. **INDEMNIFICATION.** The applicant shall defend, indemnify, and hold harmless the City of Davis, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Davis concerning this approval, including but not limited to any approval of condition of approval of the City Council. (ALL)
10. **ENCROACHMENT PERMIT REQUIRED (WORK WITHIN ROW).** All work within the public right-of-way (ROW), including but not limited to utilities and grading, shall be explicitly noted with the building plans. The applicant shall obtain all necessary encroachment permits from the City of Davis Public Works Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to, balconies, fire ladders, outdoor restaurant seating, bike racks, water meters, backflow devices, signs and curb/gutter/sidewalk improvements. (DR/FPD/CUP)
11. **FIRE SAFETY REQUIREMENTS.** Plans shall be submitted to the Fire Department for review and approval prior to issuance of building permits. All new development shall comply with the fire safety requirements of the California Fire Code and California Building Code as adopted by the City of Davis. (DR/FPD)
12. **POLICE SAFETY REQUIREMENTS.** Plans shall be submitted to the Police Department for review and approval prior to issuance of building permits. All new development shall comply with the City Building and Security Ordinance and other safety recommendations and requirements regarding building security as well as employee and patron security, prior to issuance of building permits. (CUP/DR/FPD)
13. **PLAN CHECK FEES.** A plan check fee shall be required by the Community Development & Sustainability Department when an application for a building permit is submitted. In the event the building permit applications will be made by a different entity than the applicant, the applicant is responsible for informing the Planning Division that plan check fees shall be paid by a different entity. Failure to notify and seek approval from Planning Division regarding separate payment for plan checking after entitlement applications' approval, shall result in Planning Division charges being made to the project account. (DR/FPD)
14. **WATER AND SEWER CONNECTION FEES.** Water Connection and Sewer Connection fees for the lot shall be paid at the time of issuance of Building Permit.
15. **STREET TREES.** The Applicant shall pay a street tree fee and/or provide street tree planting in accordance with Section 37.02.020 of the City Code.
16. **DEVELOPMENT IMPACT FEES.** The developer shall pay the appropriate fees established in the Major Projects Financing Plan pursuant to the General Plan. Final fee categories shall be as adopted by the City Council in the Major Project Financing Plan and shall be paid at the time of certificate of occupancy or as otherwise required by law.

III. GRADING, SITE DEVELOPMENT, SITE PLAN, AND PARKING

A. Specific Improvement Requirements

17. **TREE MITIGATION PARKING SURFACE.** Improvement plans shall be revised to reflect drain rock, rather than Class 2 AB, for parking spaces identified in the tree mitigation measures. (MM, CUP, DR)
18. **FRONTAGE IMPROVEMENTS.** Developer shall repair broken or substandard frontage improvements, subject to the review and approval of the City Engineer. Such improvements shall be completed prior to issuance of a certificate of occupancy for any structure in the development. Developer and City shall explore opportunities for installation of landscaping within the right-of-way between the sidewalk and Cowell Boulevard. (CUP, DR)
19. **COWELL BOULEVARD IMPROVEMENTS.** The existing Cowell Blvd striping shall be modified to include a center left-turn lane to provide for safe ingress/egress for traffic into and out of the property. Additional signage will be required prohibiting the parking of Commercial Trucks.
20. **PAVEMENT DESIGN.** At submittal of improvement plans, provide details of pavement treatment including type, thickness, and other design details subject to review and approval of the City Engineer. All street sections shall be designed based on the subgrade "R" value and the Traffic Index (TI). The TI for Cowell Blvd, which is a Minor Arterial at this location, shall be 8.0. Pavement design shall be consistent with the recommendations stated in the soils report.
21. **PROTECT GREENBELT/PATHWAY IMPROVEMENTS.** Developer shall protect greenbelt/pathway improvements adjacent to the project, subject to the review and approval of the Parks and General Services director and the City Engineer.
22. **HYDROMODIFICATION FOR STORMWATER QUALITY.** The project will be subject to the hydromodification requirement of Section E.12.f of the General Permit.
23. **MULTI-USE BIKE PATH RELOCATION.** The existing multi-use path at the eastern property line boundary that connects the greenbelt to Cowell Blvd shall be demolished and relocated to the western property line boundary of the site. The existing multi-use path area will be incorporated into the parking lot improvements and subject to any required City utility easements and design requirements associated with existing utilities beneath the existing path. The Developer shall be responsible for the demolition and construction of the relocated multi-use path on the western boundary. The appropriate public access easements shall be granted to the City for the relocated multi-use path. The Department of Community Development & Sustainability may approve modifications to the site plan, parking lot layout, and landscaping necessary to accommodate the path relocation.
24. **BUS STOP RELATED IMPROVEMENTS.** The crosswalk across Cowell Blvd. shall be abandoned in a manner acceptable to the City Engineer and relocated to the new western multi-use path location for access to existing bus stop and provide other bus stop improvements as required by Unitrans and the City. The rectangular rapid flashing beacons shall be installed with the crosswalk improvements.

25. **BROADBAND NETWORK.** Provide conduits and associated appurtenances to serve a future broadband network if required by and to the satisfaction of the City Engineer. (CUP)

B. Engineering / Plan Requirements

26. **EASEMENTS AND PUBLIC RIGHT OF WAY.** Show existing easements and Public Right of Way with descriptions and widths on all civil/site plans.

27. **GRADING AND DRAINAGE PLAN.**

- a. A Grading and Drainage Plan will be required. Prior to approval of grading plans for this subdivision, Developer shall satisfy the City Engineer that the proposed grading will not adversely affect adjacent properties. In addition, retaining walls shall be provided by the Developer wherever the grade differential between adjacent lots is 0.5 feet or greater. Masonry retaining walls shall be provided when such grade differential is 1.0 feet or greater.
- b. An on-site drainage plan to serve the subdivision shall be submitted for review and approval of the City Engineer concurrent with the subdivision improvement plans. On-site drainage improvements shall be designed to collect and convey the 10% storm flows. Final calculations for the 10% and 1% storm events shall be provided.
- c. Developer's Engineer shall provide an estimate of the earthwork balance quantifying the estimated soil import/export requirements on the grading plans. Mass haul route plans and soil test reports for geotechnical properties and hazardous material clearance on planned import soils may be required at the City Engineer's discretion.

28. **RECORD DRAWINGS.** The Applicant's engineer shall prepare Record Drawings that accurately indicate the completed grades after completion of grading operations. Reproducible mylar copies of the Record Drawings shall be provided to the City.

29. **EROSION AND SEDIMENT CONTROL PLAN.** An Erosion and Sediment Control plan shall be prepared by a registered Civil Engineer, for review and approval by the City Engineer prior to commencement of construction of site improvements. This plan shall incorporate the following requirements:

- a. This plan will include erosion control measures to be applied during the rainy season (the months of October through April, inclusive). These measures may include limitations on earth moving activities in sensitive areas during this time period.
- b. This plan will include methods of revegetating denuded earth slopes. Revegetation will be accomplished by a method which reseeds and temporarily protects the ground so that 90% germination is achieved. Future building pads are not subject to this requirement, although measures will be required to contain sediments.
- c. The developer shall implement wind erosion and dust control measures to be applied on a year-round basis. This shall include an effective watering program to be implemented during earth moving activities. Erosion control measures may include limitations on earth moving activities in sensitive areas during the rainy season.
- d. All sediments generated by construction activities shall be contained by the use of sediment traps, such as silt fences, settling basins, perimeter ditches, etc.

- e. When building construction will be delayed beyond the next rainy season, the developer shall provide erosion control measures on each active work area.
30. **STORM WATER POLLUTION PREVENTION PLAN (SWPPP).** This project will be subject to State requirements for a Storm Water Pollution Prevention Plan (SWPPP) and will need to file a Notice of Intent (NOI) with the State. Provide a Stormwater Pollution Prevention Plan (SWPPP) developed by a State certified QSD subject to the review and approval of the Public Works Director concurrent with the improvement plans. Provide the WDID number issued by the State Water Resources Control Board through its SMARTS system and a copy of the NOI with the SWPPP.
 31. **STORMWATER QUALITY.** This project is a Regulated Project as defined in Section E.12 of the state's Phase II Small MS4 General Permit, and so shall conform to the requirements therein for Regulated Projects. Stormwater quality treatment control measures shall comply with the City's Stormwater Management and Discharge Control Ordinance (Chapter 30 of the Municipal Code). Provide calculations with a Drainage Management Area (DMA) diagram for the entire site demonstrating that the treatment control measures are appropriately designed to treat stormwater runoff for each drainage shed. Stormwater quality calculations shall be submitted concurrent with the improvement plans.
 32. **UTILITY DESIGN.** All sizes, locations and grades of the utilities, including private common utilities to serve this project shall be subject to the review and approval of the City Engineer.
 33. **DRY UTILITIES.** Prior to approval of the site improvement plans, Applicant shall submit locations of joint trench and other dry utilities, including a Composite Utility Plan showing all wet and dry utilities. Details shall include but not be limited to the following: HVAC, gas meters, and electrical boxes for each unit and service points, conduit wire sizes, and poles numbers for street lights.
 34. **BACKFLOW PREVENTION EQUIPMENT.** Backflow prevention devices may be required. Prior to issuance of building permits for any structure within the development, plumbing plans shall be submitted subject to the review and approval of the City Engineer.
 35. **STREET LIGHTING.** Final street lighting design, including location and number of fixtures, are subject to the review and approval of the City Engineer.
 36. **GARBAGE AND GREEN WASTE.**
 - a. Prior to or concurrently with the submittal of the Improvement Plans, submit verification from Davis Waste Removal that they will be able to serve the project for garbage, recycling and green waste removal and that their vehicles will be able to accommodate waste removal from the proposed areas.
 - b. Times and locations for garbage and green waste storage adjacent to streets may be limited through the use of signage or other means. Provisions for such limitations shall be submitted at the time of Improvement Plans and shall be subject to review and approval of the City Engineer. If signage is used to limit storage, Applicant shall pay for installation of signs.
 37. **SOILS REPORT.** Applicant shall provide soils report concurrent with submission of improvement plans. The applicant shall comply with all recommendations contained within the report. As also noted under the Grading and Drainage Plan requirements, soil test reports for

geotechnical properties and hazardous material clearance on planned import soils may be required at the City Engineer's discretion.

B. Plan Check Review

38. **PARKING SPACES REQUIRED.** A total of 107 parking spaces shall be provided for the project, reflecting a ten percent reduction from the standard of one space per hotel room. Parking areas, driveways, and parking spaces shall meet minimum parking requirements established in Section 40.25 of the Zoning Code. Details of parking space location and configuration, consistent with these requirements, shall be submitted with the Design Review application. The Community Development & Sustainability Department may approve minor changes in parking space location and configuration through the minor improvement process. (DR/FPD/MM/CUP)
39. **ELECTRIC VEHICLE PARKING SPACES REQUIRED.** Based upon the 107 required vehicle parking spaces and the City's draft standards EV-Readiness Standards, the project would be required to provide accommodation for seven vehicle parking spaces with access to Level 2 chargers. Chargers should be placed to serve multiple parking spaces. Charger(s) for four spaces shall be installed prior to issuance of certificate of occupancy. Installation of the charger(s) for the remaining three vehicle spaces may be deferred, but building plans must demonstrate that the spaces are pre-wired with adequate electrical panel capacity for subsequent installation. (CUP)
40. **BICYCLE PARKING SPACES REQUIRED.** A total of 30 bike parking spaces shall be provided, as shown on the submitted plans. Bicycle racks shall be SCH Enterprises Series LR Lightning Bolt or Park a Bike Varsity Bike Dock Rack or equal. Minor adjustment in bicycle parking locations and locking mechanism details may be approved by the Community Development and Public Works Departments. (DR/CUP)
41. **PARKING LOT SHADING.** Plans and construction shall comply with the City's Parking Lot Shading and Master Parking Lot Tree list guides. A separate parking lot shading diagram shall be reviewed and approved by the Community Development & Sustainability Department prior to issuance of building permits. The parking lot shading diagram shall include all light poles and utility boxes. Parking lot trees shall be located so as to not interfere with parking lot light poles. (DR/FPD)
42. **EXTERIOR LIGHTING.** All exterior lighting shall be directed so as to not adversely impact traffic or adjacent sites. Light standards shall comply with the provisions of the City's Outdoor Lighting Control Ordinance as well as the City's Security Ordinance. A detailed on-site lighting plan, including a photometric diagram and details of all exterior light fixtures shall be reviewed and approved by the Community Development & Sustainability Department and Police Department prior to the issuance of permits. (DR/CUP/FPD)
43. **PROPERTY MAINTENANCE.** The following statement shall be included on the site plan:
"Applicants are responsible for maintaining all buildings, yards, structures, signs, parking areas and other improvements in such a manner that does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving and any other significant damage repaired in a timely fashion throughout the life of the project". (DR/CUP/FPD)

44. **TRASH ENCLOSURES.** All required trash enclosures areas shall be constructed with a minimum 6' high wall and shall have a self closing gate constructed of solid metal materials and attached to posts embedded in concrete. Details of trash enclosure design shall be submitted for review and approval by the Community Development & Sustainability Department prior to the issuance of building permits. Trash enclosure and recycling areas shall be adequately screened from public view and shall be architecturally compatible with proposed building design by utilizing consistent materials and colors. Evidence of approval from Davis Waste Removal for the quantity, location and size of proposed project trash and recycling enclosures shall be submitted with the building permit application (DR/CUP/FPD)
45. **FENCES.** All fence footings and foundations shall be galvanized steel, reinforced concrete, or masonry. All required notes/details shall be provided on plans prior to the issuance of permits. The fence between the hotel and the greenbelt shall be wrought iron or similar open design above a height of 3-4 feet (lower portion solid to screen vehicle headlights), subject to review and approval by the Department of Community Development and Sustainability. The fence adjacent to the fire lane (where there are no parking spaces) shall be open from the ground up. All fences will be on private property and the property owner shall be responsible for installation and maintenance. (DR/CUP/FPD)
46. **UTILITY PLAN.** A utility plan shall be approved by all applicable utility providers prior to the issuance of permits. The applicant shall prepare a final site plan and elevations of all on-site mechanical equipment (including HVAC condensers, transformers, switch boxes, backflow devices, PG&E transformers, etc...) and specifics of how such equipment shall be screened from public view. This plan, with an approval stamp from the City of Davis Community Development & Sustainability Department, shall be submitted by the applicant to the utility provider for review. Any necessary changes or deviations from the approved utility location and/or screening shall be reviewed by the Community Development & Sustainability Department prior to installation and may be subject to discretionary Design Review processing and fees by the Community Development & Sustainability Department. (DR/CUP/FPD)
47. **EXTERIOR STORAGE.** All outside storage areas shall be permanently screened from view. Design details shall be reviewed and approved by the Community Development & Sustainability Department prior to the issuance of permits. (DR/CUP/FPD)
48. **EQUIPMENT SCREENING.** All ground mounted utility appurtenances such as transformers, AC condensers, backflow devices, etc., shall be located out of public view and adequately screened in such a manner as to minimize the visual and acoustical impact. To the extent possible, equipment shall be located behind the building setback, on the side of the building or outside public view. Equipment within public view shall be screened to the satisfaction of the Community Development Director and may include a combination of landscaping and/or masonry or lattice walls or berms. Whenever possible, utility transformers shall be placed in underground vaults. All gas and electrical meters shall be concealed and/or painted to match the building. (DR/CUP/FPD)

C. Prior to Construction

49. **PRECONSTRUCTION MEETING.** Prior to the start of any work on-site, the applicant shall request and attend a preconstruction meeting to include project superintendent, architect,

subcontractors, as well as City representatives including Community Development and Public Works.

50. **CONSTRUCTION MANAGEMENT PLAN.** Prior to issuance of any permit or inception of any construction activity on the site, the developer shall submit a construction impact management plan including a project development schedule and “good neighbor” information for review and approval by the Community Development and Public Works Departments. The plan shall include, but is not limited to: public notice requirements for periods of significant impacts (noise/vibration, etc.), special street posting, construction vehicle parking plan, phone listing for community concerns, names of persons who can be contacted to correct problems, hours of construction activity, noise limits, dust control measures, and security fencing and temporary walkways. Work and/or storage of material or equipment within a City right-of-way may require the separate receipt of an Encroachment Permit.
51. **ENCROACHMENT PERMIT REQUIRED.** All work within the public right-of-way, including but not limited to utilities and grading, shall be explicitly noted with the building plans. The applicant shall obtain all necessary encroachment permits from the City of Davis Public Works Department prior to issuance of building permits for all work and construction that encroach within or over the public right-of-way, including, but not limited to: balconies, fire ladders, outdoor restaurant seating, bike racks, water meters, backflow devices, signs and curb/gutter/sidewalk improvements.
52. **CONSTRUCTION WASTE RECYCLING.** Prior to issuance of permits, the applicant shall submit to the City for review and approval a Construction Waste Recycling Program for the project including provisions for participation in the County Wood Waste Reduction program or equivalent. The recycling program should include the recycling and re-use of all construction materials and garbage generated by the construction workers, such as shipping boxes and packing materials, beverage containers, metal scraps, etc.

D. During Construction

53. **FIRE DEPARTMENT INTERIM ACCESS.** Where structures are built or under construction, all adjacent streets and primary driveways deemed necessary to Fire Department access shall be paved or constructed to an all-weather condition satisfactory to the City Engineer and the Fire Department. Prior to completion of streets and primary driveways, building permits may be issued, provided fire vehicle access is maintained to all hydrants and from hydrants to all structures prior to commencing wood construction. Details of Fire Department access to hydrants and structures shall be approved by the Fire Department.

E. Prior to Certificate of Occupancy

54. **COMPLIANCE WITH CONDITIONS.** Prior to any use of the project site or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the City of Davis Community Development Department. The site and buildings shall be inspected for compliance prior to the issuance of a certificate of occupancy. (DR/FPD/CUP)

F. Ongoing

55. **DEVELOPMENT AND MAINTENANCE.** The site shall be developed and maintained in accordance with the approved plans which include site plans, architectural elevations, exterior materials and colors, landscaping and grading on file in the Community Development & Sustainability Department, the conditions contained herein, Municipal Code regulations, PD # 2-12B regulations, and the South Davis Specific Plan. (DR/CUP/FPD)
56. **TRASH MAINTENANCE.** The entire site shall be kept free of trash or debris at all times. (DR/FPD/CUP)
57. **BACKFLOW EQUIPMENT.** Backflow prevent valve wheels and stems shall be maintained in a manner which enables inspection in order to determine whether or not the valve is open. (DR/FPD)

IV. BUILDING DESIGN

A. Plan Check Review

58. **APPROVED BUILDING DESIGN.** No substantive deviations from the approved building design may be permitted without Design Review approval. However, minor changes may be approved through the minor improvement application process, including modifications as necessary to accommodate the multiuse path relocation. (DR/CUP/FPD)
59. **MATERIAL BOARD.** The design, placement and color of the building materials shall be as provided on the material sample board date stamped (insert date), except as modified by the conditions of approval for the project. Minor changes in materials and color selection may be made through the Community Development & Sustainability Department's Minor Improvement process. Details shall be provided on the working plans to the satisfaction of the Community Development & Sustainability Department prior to the issuance of permits. (DR)
60. **EXTERIOR COLOR.** Prior to the issuance of permits, preliminary exterior paint colors (and materials) shall be submitted for review and approval by the Community Development & Sustainability Department. (DR)
61. **CONSTRUCTION AND MATERIALS.** The plan review set shall include adequate detailing of application, construction and materials proposed of all exterior architectural enhancements including but not limited to building and window trim, depth of recessed features, grout or reveal width/depth, awning materials, trellis construction, building material application such as tile/brick. Adequate detailing may necessitate the use of cross-sections. (DR)
62. **DOORS/WINDOWS.** If door/window style was not approved as part of the building design, selected styles shall be submitted to the Community Development & Sustainability Department for review. (DR)
63. **ROOF MOUNTED EQUIPMENT.** All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be screened from view and the sound buffered

from adjacent properties and streets. Such screening shall be architecturally integrated with the building design to the satisfaction of the Community Development & Sustainability Department prior to the issuance of building permits. (DR/FPD/CUP)

64. **ROOF DRAINAGE.** Internal roof drains shall be provided. All other appurtenant equipment on the building shall be concealed unless painted to match or harmonize with the surface to which it is attached. Run-off shall not discharge over sidewalk. (DR)
65. **LIGHT FIXTURES.** Details of all exterior light fixtures shall be submitted for review and approval by the Community Development & Sustainability Department prior to issuance of permits. All lighting fixtures shall be complementary to the building architecture. Commercial looking “wall packs” are discouraged and will not be permitted. (DR/FPD)
66. **WINDOW SCREENING.** Building plans shall be revised to include screening to reduce privacy impacts on residences to the south as shown in Exhibits A6 and A7, or equivalent, to the satisfaction of the Director of Community Development and Sustainability. Additionally, the clerestory windows at the rear of the 4th story corridor shall be tinted and/or provide for screening to reduce or eliminate the exterior view of corridor lighting. (CUP, DR)
67. **ART.** The applicant shall work with the City of Davis Program Manager for Arts and Culture with the goal of incorporating art by local artists, particularly on the western elevation and areas facing Interstate 80.
68. **GUEST ROOM LIGHTING.** Motion sensitive devices shall be installed to insure room lighting is inactive when the room is unoccupied.

B. During Construction

69. **SITE MEETING.** A site meeting with Planning Staff to review test sections of the proposed paint colors on the buildings is required prior to initiating final painting. (DR)

V. LANDSCAPING

A. Plan Check Review

70. **LANDSCAPE PLAN REQUIRED.** Detailed landscape and irrigation plans shall be submitted and approved by the Community Development and Parks and Community Services Departments prior to the issuance of building permits. Landscape plans shall specify the following:
 - a. Location, size and quantity of all plant materials;
 - b. A plant legend specifying species type (botanical and common names) container size, maximum growth habit, and quantity of all plant materials.
 - c. Location of all pavements, fencing, buildings, accessory structures, parking lot light poles, property lines, and other pertinent site plan features;
 - d. Planting and installation details and notes including soil amendments;

- e. Existing trees on site shall be identified. Identification shall include species type, trunk diameter at 4'-6" above adjacent grade, and location on site. Trees planned for removal or relocation shall be marked on the plans, methodology to preserve trees in place shall be provided on the plans;
- f. Details of all irrigation (drip and sprinkler) as well as all equipment such as backflow, controller and meter devices identified;
- g. Two deep watering tubes per tree planted in an isolated parking lot planter island. (DR/FPD)

71. **MAINTENANCE STATEMENT.** The following statement shall be included on the final landscape plan set: "All landscaped areas shall be maintained in perpetuity upon completion and kept free from weeds and debris and maintained in a healthy, growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days. Significant trimming or pruning will not be permitted without prior City approval. Trees shall be planted and continuously maintained throughout the surface parking lot to insure that within 15 years after establishment of the parking lot; at least fifty percent (50%) of the parking area will be shaded at noon on August 21st." (DR/FPD)
72. **TREE PRESERVATION.** The applicant shall comply with and satisfy the mitigation measures that are part of Negative Declaration # 4-15, including protection/mitigations for trees on-site, on the adjacent greenbelt, and on the bicycle connection from Cowell Boulevard to Albany Avenue.. (DR/FPD/CUP)
73. **TREE PLANTING.** Trees shall be a minimum of 5 gallons in size. All trees shall be planted and staked in accordance with Parks and Community Services Department standards. All parking lot trees shall be irrigated with a minimum of two deep watering tubes. (DR/CUP/FPD)
74. **LANDSCAPING STANDARDS.** Shrubs shall be a minimum of 5 gallons in size. Ground cover may be 1 gallon or less in size. Ground cover areas shall be supplemented with additional 5-gallon size materials to provide variation and texture. (DR/CUP/FPD)
75. **ACCENT LANDSCAPING.** Bark and other surface materials may be utilized in planter areas as a mulch or accent material. Large areas that utilize only bark, decomposed granite, or other surface/mulch material are not acceptable and shall include shrubs, trees and groundcover to provide variation, texture and shade. (DR/CUP/FPD)
76. **WATER EFFICIENT LANDSCAPING.** The project shall comply with Water Efficient Landscaping requirements (Section 40.42 of the Davis Municipal Code). Verification of compliance with this ordinance shall be to the satisfaction of the Department of Community Development and Sustainability and shown on the building permit plans set with the irrigation plan. The plant list shall incorporate native species whenever possible throughout the site. (DR/FPD)
77. **IRRIGATION SYSTEMS.** All plant materials, including ground cover shall be serviced with an automatic irrigation system. All irrigation systems shall be subject to review and approval by the Community Development & Sustainability Department and the Public Works Department prior to issuance of permits. (DR/FPD)
78. **PARKING LOT PLANTERS.** Minimum parking lot planters shall be provided in accordance with the City's Parking Lot Shading Guidelines. A minimum 6' by 6' planting area shall be provided

for each tree planted in a tree well or planter strip. A minimum 4' by 8' planting area shall be provided for each tree planted in a planter island. Planter dimensions are measured from the interior side of the curb. (DR/FPD)

79. **CURBS AND HEADERS.** All landscape areas shall be enclosed by a six-inch raised concrete curb. All turf areas shall be separated from non-turf areas by a minimum 2" x 4" redwood header or other acceptable or equivalent material approved by the Community Development & Sustainability Department. (DR/FPD)

80. **POOL FENCING.** The pool fencing shall be six feet in height with the south facing wall being constructed of masonry and/or glass block (or similar materials). The pool fencing on the west and east of the pool area may allow for transparent solid panels and/or small openings for additional light and air flow.

B. During Construction

81. **TREE PRESERVATION.** Compliance with the tree preservation plan and mitigation measures for Negative Declaration #4-15 is required before and during any site disturbance and construction activity.

C. Prior to Certificate of Occupancy

82. **LANDSCAPE WATER CONSERVATION.** The landscape architect for the approved plan shall submit a signed statement to the City upon installation confirming that the landscape irrigation and water conservation measures have been installed consistent with the approved plans and specifications. (DR/FPD)

83. **LANDSCAPE AND TREE SCREENING.** Additional landscaping shall be provided in the greenbelt or other project landscape areas for increased privacy screening where necessary as determined by the Community Development Director and City Arborist. The ultimate placement of any proposed screening plantings will be subject to review by the City Arborist to ensure that new trees would not be detrimental to the trees that are already on the greenbelt. (DR/FPD)

D. Ongoing

84. **TREE MAINTENANCE.** All trees planted or preserved in accordance with this approval shall be trimmed and maintained per guidelines established and approved by the International Society of Arboriculture (ISA). Any pruning of the trees, other than light pruning of no more than 25 percent of the foliage within any one growing season, requires review and approval of a Tree Modification Permit prior to the commencement of the work. (DR/FPD)

85. **CONTINUED MAINTENANCE.** The applicant shall maintain all landscaped areas in perpetuity upon completion and they shall be kept free from weeds and debris and maintained in a healthy, growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days. (DR/FPD)

XI. SIGNS

86. **SIGNAGE.** A Minor Improvement shall be required for existing sign face changes and new signage consistent with the Citywide Sign Design Guidelines, subject to Community Development & Sustainability Department approval and shall be consistent with the sign requirements in Zoning Ordinance Section 40.26.020. Signage not consistent with the Sign Design Guidelines shall require a Design Review application, subject to Community Development & Sustainability Department Approval.
87. **PROCEDURE.** Signs indicated on the submitted plans are conceptual only and not a part of this approval. Any signs proposed for this development shall comply with the City Sign Ordinance, Section 40.26.20 of the Zoning Code, as modified by Preliminary Planned Development #2-12. Application and approval by the Community Development & Sustainability Department is required prior to installation. (DR)
88. **SECURITY ORDINANCE.** In accordance with the City's security ordinance, all building numbers and individual units shall be identified in a clear and concise manner including proper illumination. (DR)
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XII. ENVIRONMENT AND SUSTAINABILITY

A. Prior to Construction

89. **MITIGATION MEASURES.** The applicant shall comply with and satisfy the mitigation measures, which are part of Negative Declaration # 4-15, including a preconstruction survey for raptors and protection/mitigations for trees on-site, on the adjacent greenbelt, and on the bicycle connection from Cowell Boulevard to Albany Avenue.
90. **GREEN BUILDING MEASURES.** All new development shall comply with Green Building requirements, including CALGreen Tier 1, and its 15% compliance margin for energy code.
91. **CAR MANAGEMENT PLAN.** Prior to the issuance of any permits, the applicant shall submit an occupancy car management strategy for review and approval by the Community Development & Sustainability Department. The strategy shall include, but is not limited to such issues as space allocation per unit, fees, transfer of non-needed spaces, parking rules, signage, incentives, enforcement practices, transit alternatives, loaner bike provisions and information dispersal. Car management strategies and parking fees shall be reviewed periodically and as needed to ensure effectiveness. Minor modifications may be made to the approved car management plan upon consultation with approval from the Community Development & Sustainability Department. (CUP)
92. **SUSTAINABILITY FEATURES.** The project shall include the following sustainability features, as included in the Project Description for the application:
- a. Photovoltaic panels on rooftop and parking lot carports anticipated to generate over 290 kilowatts of electricity (estimated approximately 90 percent of annual electrical

- demand), with a commitment to purchasing any remaining electricity from offsite renewable sources through the proposed city of Davis Community Choice Energy JPA;
- b. Energy Star refrigerators and dishwashers in guest rooms, and Energy Star washers in guest laundry
 - c. Rooftop solar thermal to serve guest rooms, laundries, and staff kitchen
 - d. EV charging stations in the parking lot (See Condition 39)
 - e. Bicycle parking and loaner bicycles for guests, and a separate secured bicycle parking area for employees. The hotelier would also provide maps and wayfinding assistance through signage.
 - f. Points incentive program for guests who use alternative transportation
 - g. CNG shuttle bus to connect to airport, UC Davis, other destinations

The project shall achieve LEED Gold certification from the US Green Building Council. Should the US Green Building Council no longer provide this certification, project shall comply with equivalent third-party certification to the satisfaction of the Department of Community Development and Sustainability.

Minor modifications are subject to review and approval by the Director of Community Development and Sustainability, while major revisions could require Planning Commission hearing and alteration to the CUP. (CUP)

B. During Construction

93. AIR QUALITY DURING CONSTRUCTION. The following actions shall be taken during construction to minimize temporary air quality impacts (dust):

- a) An effective dust control program should be implemented whenever earth-moving activities occur on the project site. In addition, all dirt loads exiting a construction site within the project area should be well watered and/or covered after loading.
- b) Apply water or dust palliatives on exposed earth surfaces as necessary to control dust emissions. Construction contracts shall include dust control treatment in late morning and at the end of the day, of all earth surfaces during clearing, grading, earth moving, and other site preparation activities. Non-potable water shall be used, where feasible. Existing wells shall be used for all construction purposes where feasible. Excessive watering will be avoided to minimize tracking of mud from the project onto streets as determined by Public Works.
- c) Grading operations on the site shall be suspended during periods of high winds (i.e. winds greater than 15 miles per hour).
- d) Outdoor storage of fine particulate matter on construction sites shall be prohibited.
- e) Contractors shall cover any stockpiles of soil, sand and similar materials. There shall be no storage of uncovered construction debris for more than one week.
- f) Construction-related trucks shall be covered and installed with liners. The streets and sidewalks in the project site shall be swept at the end of the day.
- g) Re-vegetation or stabilization of exposed earth surfaces shall be required in all inactive areas in the project.
- h) Vehicle speeds shall not exceed 15 miles per hour on unpaved surfaces.

94. OZONE PRECURSORS DURING CONSTRUCTION. In order to minimize the release of ozone precursors associated with construction, the following standard requirements developed by the Yolo/Solano APCD shall be implemented:

- a) Construction equipment and engines shall be properly maintained.
- b) Vehicle idling shall be kept below ten minutes.
- c) Construction activities shall utilize new technologies to control ozone precursor emissions, as they become available and feasible.
- d) During smog season (May through October), the construction period shall be lengthened so as to minimize the number of vehicles and equipment operating at the same time.

95. EXCAVATION. If subsurface paleontological, archaeological or historical resources or remains, including unusual amount of bones, stones, shells or pottery shards are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist, state coroner and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further measures to reduce any cultural resource impact before construction continues.

96. NOISE REDUCTION PRACTICES. The applicant shall employ noise-reducing construction practices. The following measures shall be incorporated into contract specifications to reduce the impact of construction noise.

- a) All equipment shall have sound-control devices no less effective than those provided on the original equipment. No equipment shall have an un-muffled exhaust.
- b) As directed by the City, the developer shall implement appropriate additional noise mitigation measures including, but not limited to, changing the location of stationary construction equipment, shutting off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, or installing acoustic barriers around stationary construction noise sources.

97. CONSTRUCTION TIMES AND NOISE IMPACTS/MITIGATION MEASURES. The developer/applicant shall be responsible for informing all subcontractors and construction crews about construction start and finish times including appropriate ambient noise impacts consistent with city code and of all applicable mitigation measures.

XV. CONDITIONAL USE PERMIT

98. RUNS WITH THE LAND. The terms and conditions of approval of the conditional use shall run with the land shall be binding upon and be to the benefit of the heirs, legal representatives, successors, and assignees of the property owner. With exception, conditional use permits, this will expire six months after the date of issuance if unused. Where a conditional use permit has abandoned the site or has ceased activity for a period of six months the approved conditional use permit shall become null and void. Under these circumstances, a new application for a conditional use permit must be processed per the provision of the zoning ordinance. (CUP)

99. COMPLIANCE. In the event that any of the conditions of this permit are not satisfied, the Community Development Director may request a public hearing be set before determining whether the Conditional Use Permit should be revoked. Additionally, upon showing of a compelling public necessity demonstrated at a noticed public hearing, the City of Davis, acting through the appropriate entity, may add, amend, or delete conditions of this permit. (CUP)

100. **REVOCATION.** In the event of a violation of any of the provisions of zoning regulations, or in the event of a failure to comply with any prescribed conditions of approval, the Planning Commission may, after public notice and hearing, revoke any conditional use permit. The determination of the Planning Commission shall become final ten days after the date of decision unless appealed to the City Council. (CUP)
101. **PERMIT EXPIRATION.** This Conditional Use Permit shall automatically expire upon cessation of the use for a period of six months. (CUP)
102. **GOOD NEIGHBOR.** The use shall be conducted in a manner that promotes good neighbor relations and is consistent with the conditions as stipulated and agreed to. The owner shall provide up-to-date contact information to all adjacent neighbors and Rose Creek neighborhood representatives (as defined within the charter, if applicable) with the name(s) and phone number(s) of persons who can be contacted and correct problems immediately, including excessive noise. The applicant shall make a good faith effort to inform and ensure that the employees and visitors respect the quiet of adjacent neighbors during activities held at the property, as well as when arriving and departing from the property. (CUP)
103. **SUBSEQUENT MODIFICATION.** Any proposed subsequent modification of the subject site or structure thereon, including but not limited to the following actions, shall first be reported to the city for a review and determination of consistency with this permit. Actions affecting how people or materials move on, off or around the site; the physical appearance of the site or structures thereon (including but not limited to signing, architecture, landscaping, paving, etc.) the type of activity(ies) on land use(s) pursued thereon; the number of people employed thereon or otherwise involved with on-site activities or land uses; etc. (CUP)
104. **HOTEL STAFFING.** The hotel shall have front-desk and management or security staff on premises at all times. (CUP)
105. **SECURITY PATROLS.** Security staff shall patrol the parking lot no less frequently than once per hour during times of darkness. (CUP)
106. **PARKING LOT CAMERAS.** The parking lot shall have security cameras and lighting consistent with the City's Outdoor Lighting Control Ordinance, subject to review and approval by the Police Department at the time of building permit issuance. The cameras shall be positioned in locations to ensure that they are not aimed towards the bike path in the rear of the building or adjacent neighbors. (CUP)
107. **ALCOHOL.** Alcohol sales at the bar are limited to beer and wine only, with no sales of hard alcohol. (CUP)
108. **DURATION OF STAYS.** To ensure that the property maintains use as an extended-stay hotel, and is not converted to residential uses, guest stays are limited to no more than thirty days. Guests staying longer than thirty days are required to check out and check in to comply with this condition. (CUP)
109. **TYPE OF LODGING.** The type of lodging offered will maintain the following amenities and attributes, which are consistent with a full service hotel and a three to four star/diamond rating:

upscale guest rooms, state of the art full kitchens and living areas for the rooms that are fully equipped extended stay rooms, Wi-Fi in all rooms and common areas, fitness room, business center, lobby, maintenance of LEED Gold certification from the US Green Building Council or equivalent, EV charging parking spaces, etc. (CUP)

110. **PARKING LOT AND ARCHITECTURAL LIGHTING.** The exterior lighting plan shall be designed to ensure special consideration is given to the southern portion of the property which abuts the greenbelt as it relates to the light standards that are installed. The parking lot lighting plan inclusive of the type and placement of fixtures shall require approval by the Community Development Director. Lighting shall be kept to a minimum standard at the rear of the parking lot and shall be appropriately sized and directed to ensure adjacent sites are not impacted. No architectural enhancement lighting shall be allowed at the rear of the building. Any future modifications to exterior lighting shall be reviewed by the Community Development Director. The Community Development & Sustainability Department and Police Department shall review the lighting plan prior to the issuance of permits. (CUP)
111. **EMPLOYEE PARKING PROGRAM.** The parking spaces at the rear of the parking lot adjacent to the greenbelt shall be designated as employee parking with signage identifying the parking area accordingly. The employee parking area will be further differentiated from guest parking by the use of an alternative surface to pavement (i.e. turf block, pavers or a similar material and will not be striped unless required by code for specific spaces). The parking program shall require that employees place an identifying placard or other type of marker on or within their vehicle. Any guest parking on a temporary basis (e.g., during graduation dates, holiday weekends, etc.) within the reserved employee parking area shall require review and approval by the Community Development Director. (CUP)
112. **CONTINUED ADJACENT GREENBELT MAINTENANCE.** In consultation with the City's Urban Forest Manager and the Community Development Director, the property owner shall be responsible for the preparation of a Greenbelt Health and Maintenance Plan. The purpose of the plan is to provide for the long-term health of the adjacent greenbelt and maintaining a tree canopy directly behind the project property. Among other items, the plan shall address the refurbishment of existing and/or the installation of new irrigation, provide for necessary amendments, pruning and the replacement of trees and/or shrubs as necessary within the greenbelt directly behind the project property. The property owner shall be responsible for maintaining the irrigation system, implementation of periodic maintenance measures that ensure health of the greenbelt trees and vegetation, and provide for the installation of new trees and shrubs where replacement is necessary or reasonably foreseeable. The Greenbelt Health and Maintenance Plan shall ensure that species of trees selected for replacement plantings shall provide for similar height and canopy at maturity and a variety of tree sizes (i.e. 5 gallon, 15 gallon and 24" box trees) are installed when warranted depending upon the replacement need requirements. All trees species shall be subject to inspection by the City's Urban Forest Manager prior to installation. Property owner compliance with the Greenbelt Health and Maintenance Plan shall be required as long as the existing building remains or if an additional building of similar mass or scale is constructed. The requirement of the Greenbelt Health and Maintenance Plan shall be recorded as an exception to title to ensure it is identified as an obligation of future property owners. (DR/CUP/FPD)
113. **ROSE CREEK NEIGHBORHOOD GREENBELT AND PARK ENHANCEMENT FUND .** Consistent with revisions to the project description, the owner shall provide the City with funds targeted

for greenbelt and park enhancements within the Rose Creek neighborhood area. The fund has been volunteered by the applicant but is contingent on no legal challenges to the project being funded or filed by or on the behalf of Rose Creek neighborhood representatives. Should a legal challenge to the project be brought forward by others, the fund would be further contingent on the Rose Creek neighborhood representatives not participating in the suit and acting in good faith towards the project. The fund will be administered by the Parks & Community Services Department. The fund contributions shall be calculated based upon a formula of \$1.00 per night for each guest room sold. The owner shall provide an accounting of the guest rooms sold along with the corresponding funds on a quarterly basis. The term for which the Rose Creek Neighborhood Greenbelt and Park Enhancement Fund shall be collected will be for a period of ten years from the first date in which a hotel room is rented. (CUP)