



Memorandum

June 21, 2006

TO: City Council

FROM: Katherine Hess, Community Development Director
Michael Webb, Economic Development Coordinator

SUBJECT: Second Street Crossing (Target) Ballot Resolutions and Project Actions

At the June 20, 2006 meeting the City Council directed staff to prepare resolutions for consideration at the June 27th meeting to place the Second Street Crossing (Target) project on the ballot. These resolutions are attached. Below, staff has proposed a sequence of possible City Council actions in the event that the Council takes action on the project at the June 27th meeting.

Staff Recommends the City Council take the following actions:

1. Second Reading of Ordinance

Conduct second reading, thereby approving the ordinance introduced on July 20, 2006 approving the General Plan Amendment, Specific Plan Amendment, Rezone/Preliminary Planned Development, and Development Agreement with effective date subject to the ordinance being ratified by an affirmative vote of the majority of the voters of the City voting on the ordinance at an election called for that purpose on November 7, 2006.

2. Project Entitlements

Approve CUP #16-04, Design Review #47-04, Tentative Map #10-04, and Final Planned Development #17-04 subject to findings and conditions attached to this report. Findings and conditions are attached to this report and have been modified to include effective dates of approval to run concurrently with the effective date of the ordinance noted in #1 above. The entitlements do not become effective unless and until the ballot measure receives an affirmative vote.

3. Ballot Measure Resolution

Adopt the attached resolution calling a special election to be held in the City of Davis on November 7, 2006, for the purpose of submitting a ballot measure to the voters to ratify or reject the City Council approval of the Second Street Crossing Project, and specifically the ordinance approving the General Plan Amendment, Specific Plan Amendment, Rezoning and Preliminary Planned Development, and Development Agreement.

4. Consolidated Election Resolution

Adopt the attached resolution requesting the Yolo County Board of Supervisors to consolidate a special municipal election to be held on November 7, 2006 with the statewide general election to be held on that date.

5. Funding For Ballot Measure

Direct staff to secure funds from the applicant to cover the estimated costs of the ballot measure to be submitted to the City of Davis by mid July. The preliminary estimate is \$80,000. Staff will not file paperwork for the ballot measure unless and until these funds are received from the applicant.

6. Ballot Measure Sub-committee

Form a City Council sub-committee to draft the “pro” ballot measure argument.

Attachments

1. Findings and Conditions for Conditional Use Permit, Tentative Map, Design Review, and Final Planned Development applications.
2. Ballot Measure Resolution
3. Consolidated Election Resolution

**Proposed Findings and Conditions of Approval
Second Street Crossing (Target Store)**

Findings for Tentative Map #10-04:

1. This Tentative map is a merger and re-subdivision without reversion in accordance with Government Code Section 66499.20 ½. The proposed subdivision, as conditioned, is consistent with the General Plan, Specific Plan, Subdivision Ordinance, and Zoning Ordinance, as amended, in that they permit the type of development proposed.
2. The project will be vested, with the right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is conditionally approved.
3. The design of the subdivision and the proposed improvements will not cause serious public health problems.
4. The project site is not subject to a contract entered into pursuant to the California land Conservation Act of 1965 (section 66474.4).
5. Environmental Impact Report SCH #2005062142 adequately assesses the impacts of this Tentative Map.

Conditions for Tentative Map #10-04:

1. Approval of this Tentative Map shall coincide with the effective date of Ordinance ____ adopted by the City Council on June 27, 2006.
2. Tentative Map shall be revised to show all existing and proposed public rights of way and easements. Vacation of existing rights of way and/or easements shall be contingent on relocation of existing facilities.
3. Tentative Map shall be revised to show proposed private easements/rights of way for utilities, access, parking, and surface drainage. Prior to recordation of Parcel Map subdivider shall provide mechanisms for the installation, use, maintenance, repair, replacement, etc. of said utilities, access, parking and surface drainage improvements.
4. Tentative Map shall be revised to show proposed private utilities, access, and surface drainage improvements (currently shown on exhibit “preliminary utility plan”).
5. Tentative Map shall be revised to show existing and proposed grading for the site, including grading adjacent to abutting properties (currently shown on “preliminary grading plan”).
6. Subdivider shall cooperate with the City and others to design, acquire rights of way, and construct improvements to provide a new connection of Faraday Avenue to Second Street, approximately located at the southwest portion of the site.

7. Subdivider shall cooperate with the City and others to design, acquire rights of way, and construct improvements to provide for a looped water main in the remaining portion of Faraday Avenue.
8. Subdivider shall cooperate with the City and others to preserve, or if permitted, relocate or properly destroy any monitoring, extraction, and or monitoring wells associated with subsurface contamination consistent with EIR mitigation measures.
9. All public utility relocation improvements and all new utility improvements, including but not necessarily limited to water, sanitary sewer, storm sewer, and surface drainage improvements are subject to the review and approval of the City Engineer.
10. Subdivider shall be responsible to design, and construct all improvements identified as necessary mitigation measures in the project EIR, subject to the review and approval of the City Engineer.
11. Subdivider shall cooperate with the City and others to provide public transit (bus) access to the project.
12. All public improvements within the Second Street right of way including but not limited to traffic signal improvements, bus turnout, auxiliary lanes as needed, median improvements to close the existing left turn pocket at the south easterly portion of the site, driveway entrance, sidewalk, curb, and gutter improvements are subject to the review and approval of the City Engineer.
13. Subdivider shall provide to city all bids received for improvements to be constructed subject to city plan check and inspection. These will be used to base the city fees for the plan checking and inspection activities, as provided by city fee resolution(s).
14. Subdivider shall cooperate with the city to effectuate a property exchange along the northerly portion of the site in the vicinity of the city's drainage channel. This lot-line adjustment shall be recorded concurrently with, and prior to the recordation of the Parcel Map. It is specifically noted that such lot line adjustment shall be deemed consistent with the approved Tentative Map.
15. The design of the bike/pedestrian path connection to the north shall be subject to the review and approval of the City Engineer.
16. Bicycle improvements on the site, including but not necessarily limited to bike parking facilities (including number of parking spaces, location, and access routes) shall be subject to the review and approval of the City Engineer.
17. Subdivider shall design storm sewer facilities to comply with all applicable regulations for storm water discharge requirements, including storm water quality. Subdivider shall document compliance with "Attachment 4".

Findings for Final Planned Development #17-04

1. That the use is appropriate in area, location, and overall planning for the purpose intended and the design and development standards create an environment of sustained desirability and stability and such development shall meet performance standards established by the Planned Development and the Zoning Ordinance.
2. The property owner can commence substantial construction within eighteen months from the date of this final planned development approval and intends to complete the construction within a reasonable time.
3. The auto, bicycle and pedestrian traffic system is adequately designed to meet anticipated traffic and is designed to provide the minimum amount of interference between auto, bicycle and pedestrian. Auto, bicycle, and pedestrian connections are accessible from an existing public roadway, and internal circulation and parking complies with zoning requirements for the site and City standards.

Conditions of Approval for Final Planned Development #17-04:

1. Effective Date. Approval of this Final Planned Development shall coincide with the effective date of Ordinance ____ adopted by the City Council on June 27, 2006.
2. Substantial Conformance. The project shall be implemented in substantial conformance to the plans date stamped February 15, 2006 and in conformance with PD #10-04 except as modified by conditions of approval contained herein.
3. Compliance with PD #10-04 Standards. The project shall comply with all applicable standards and conditions within PD #10-04.
4. Expiration. This approval shall become null and void after a period of 18 months if either the use permit has not been used or if substantial construction as evidenced by issuance of a building permit in good faith reliance on the approval has not commenced subsequent to such approval. The Community Development 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.
5. Minimum Building Setbacks. Minimum building setbacks shall be as follows:
6. Height Regulations. Maximum roof height regulations shall be as follows. Variations in roofline height are required to achieve horizontal articulation. No building shall exceed forty (40) feet in height except that roofline enhancement features, such as parapets, and towers, may be permitted at the primary anchor tenant building not to exceed fifty (50) feet in height.
7. Lot Area and Minimum Building Setbacks. Minimum lot areas and minimum building setbacks shall be as follows:

Minimum Lot Size	13 acres for Lot A, 4.8 acres for Lot B, and 0.75 acres for Lot C as designated on the Tentative Map.
Lot A Building Setbacks	110 feet to the northern property line (adjacent to the drainage channel) as established in PD #10-04, 50 feet to the south, 75 feet to the west, and 0 feet to the property line separating lot A and lot B.
Pad A Building Setbacks	20 feet on all sides.
Pad B Building Setbacks	40 feet on all sides with the proposed lot line adjustment. 0 feet to the north property line if the proposed lot line adjustment is not recorded.
Pad C Building Setbacks	20 feet to the west, 40 feet to the north, and 25 feet to the east.
Pad D Building Setbacks	25 feet to the southeast, 0 feet on all other sides.

The footprints of pads A, B, and C may be combined to create alternative building sizes and orientations provided they are consistent with the above setback requirements. In no event may the combination of pads A, B, C, and D, or any iteration thereof, exceed an aggregate of 46,000 square feet.

8. Fees. The Developer shall agree to pay appropriate fees in accordance with the Adopted City fee schedule, City Ordinances, and as set forth in the Development Agreement. Fees shall be assessed at the time of issuance of Building Permit, or other appropriate time as required by law.
9. Reproducible Copy and Two Prints. Prior to issuance of building permits the applicant/property owner shall submit a reproducible copy of the Final Planned Development plan set, with all conditions of approval incorporated or clearly listed on the plan. The plan set shall not be accepted as the Final Planned Development plan set until the Community Development Director has signed and dated the plan set. The applicant shall provide two prints of the signed plan set to the Community Development Department. The project shall be developed in substantial conformance to the signed and dated plan set.
10. Conflicts. When exhibits and/or written conditions of approval are in conflict, the written conditions shall prevail.
11. 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 encroaches within or over the public right-of-way, including, but not limited to, water meters, backflow devices, signs and curb/gutter/sidewalk improvements.

12. Police Safety Requirements. Prior to the issuance of site development permits, the owner/developer shall obtain approval from the City of Davis Police Department regarding compliance with the City Building Security Ordinance and other safety recommendations regarding building security as well as employee and patron security. 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.
13. Soils Report Required. Prior to the issuance of site permits for construction, the applicant shall have a soils investigation report prepared and the applicant shall comply with all recommendations contained within the report.
14. Recycling of Construction Waste. Prior to Issuance of building permits, the applicant shall submit to the city for review and approval a construction waste-recycling program including provisions for participation in the County Wood Waste Reduction Program or equivalent. The program shall address the recycling and re-use of construction materials and garbage generated by the construction workers, such as shipping boxes and packing materials, beverage containers, and metal scraps.
15. Informing Subcontractors. 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 in the City of Davis Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City.
16. Document Preparation. All plans, specifications, studies, reports, calculations, maps, notes, legal documents, and designs shall be prepared, signed and stamped (when required) only by those individuals legally authorized to do so. Plans for public improvements must be prepared, signed and stamped by a California Registered Civil Engineer.
17. Truck Deliveries. In an effort to further minimize noise impacts to the adjacent neighborhood large tractor trailer delivery truck operations on the entire site (including all parcels and pad buildings) shall be limited to the hours of 8AM to 7PM. No large delivery trucks shall enter the site outside of these hours. Smaller delivery (van) truck operations to the Target Store shall be limited to the hours of 8AM to 12 noon.

Findings for Conditional Use Permit #16-04:

1. That the proposed use conforms to the requirements and intent of the General Plan, Specific Plan, and zoning, as amended.
2. That the proposed use will not constitute a nuisance or be detrimental to the public welfare of the community in that it is a use that is complimentary to its surroundings, and that all conditions and requirements deemed necessary and in the public interest have been or will be met as they have been imposed on the project to reduce the impact of the use on adjacent properties and vicinity.

Conditions of Approval for Conditional Use Permit #16-04:

1. Approval. The Conditional Use Permit approval is for an approximately 127,000 square foot general merchandise store with a 10,000 square foot garden center for a total of approximately 137,000 of gross building area. The proposal shall be in substantial conformance with the plans submitted on February 15, 2006 except as modified by project conditions of approval.
2. Effective Date. Approval of this CUP shall coincide with the effective date of Ordinance ____ adopted by the City Council on June 27, 2006.
3. Expiration. This approval shall become null and void after a period of 18 months if either the use permit has not been used or if substantial construction as evidenced by issuance of a building permit in good faith reliance on the approval has not commenced subsequent to such approval. The Community Development 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.
4. 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. The permit expires if unused for six or more months after the date of initial occupancy.
4. Permits Required. The applicant shall obtain all necessary permits for all structures from the Building Division of the Community Development Department prior to commencement of construction.
5. Compliance with Entitlements. The project shall comply with all conditions of approval of for the project and EIR mitigation measures and Development Agreement provisions contained herein.
6. Truck Deliveries. In an effort to further minimize noise impacts to the adjacent neighborhood large tractor trailer delivery truck operations on the entire site (including all parcels and pad buildings) shall be limited to the hours of 8AM to 7PM. No large delivery trucks shall enter the site outside of these hours. Smaller delivery (van) truck operations to the Target Store shall be limited to the hours of 8AM to 12 noon.
7. LEED Certification. Per the applicant's project description, the 137,000 square foot retail building (Target Store) shall be LEED (Leadership in Energy and Environmental Design) certified by the U.S. Green Building Council.

Findings for Design Review #47-04:

1. The proposed project is consistent with the objectives to the General Plan land designation of General Retail, and is consistent with the adopted design guidelines for PD #10-04.

2. The proposed architecture, site design and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community. The proposed project: has been designed to blend with and compliment other development in the planned development; provides amenities for the public in the form of plazas and pedestrian connections; and provides landscaping to shade parking, screen buildings, and enhance the site.
3. The architectural design of the proposed project is compatible with the existing properties and anticipated future developments within the neighborhood in terms of such elements as height, mass, scale, and proportion.
4. The proposed project will not create conflicts with surrounding land uses or vehicular, bicycle or pedestrian transportation modes of circulation. The circulation plan for the proposed project meets the standards of the City.
5. The location, climate and environmental conditions of the site are adequately considered in determining the use of appropriate construction materials and methods. Sufficient conditions are included with the approval to ensure the long-term maintenance of the project. The proposed site plan, building elevations, materials, and colors are appropriate for the location, climate and environmental conditions.
6. The project will not have a significant adverse impact on surrounding properties in that the project site is located on a portion of property which has been the subject of environmental impact analysis pursuant to CEQA via the Project EIR (SCH #2005062142) as certified by the City Council on June 13, 2006.

Conditions of Approval for Design Review #33-04:

1. Effective Date. Approval of this Design Review shall coincide with the effective date of Ordinance ____ adopted by the City Council on June 27, 2006.
2. Project. The design review approval applies to a commercial development of approximately 183,000 square feet including retail and restaurant uses as described and shown on the site plan, landscape plans, and building elevations presented to the Planning Commission on May 24, 2006 except as modified herein. Final working drawings and landscape plans shall be consistent with the approved plans and conditions. Any substantial changes to the architectural style, colors, construction materials, design or location of the structures or project facilities on the site that is not consistent with the project conditions or PD #10-04 shall not be made without a subsequent design review application.
3. Approval Period. This approval is valid for a period of 18 months consistent with the Zoning Ordinance. Should this Design Review not be inaugurated during the initial approval period as evidenced by issuance of building permit, a request for an eighteen (18) month time extension may be filed with the Community Development Department. Application for extension must be filed consistent with the extension requirements of the

Zoning Ordinance. Requests for time extension must be accompanied by a formal application, all required exhibits and plans and related application fees.

4. Parking Spaces Required. Parking shall be provided in compliance with PD #10-04. Parking areas, driveways, and parking spaces shall meet minimum parking dimension requirements established in Section 40.25 of the Municipal Code. Details of parking space location and configuration, consistent with these requirements, shall be submitted with the building permit application. The Community Development Department may approve minor changes in parking space quantity, location and configuration through the minor improvement process.
5. Parking in Landscape Reserve. A total of thirty-two parking spaces (as indicated on the diagram attached to the staff report) shall be placed into landscape reserve. After a period of no less than twelve months of Target Store occupancy, the applicant may request that spaces be removed from landscape reserves. The applicant shall be required to demonstrate a legitimate need for the spaces to the satisfaction of the Community Development Director prior to approval. Removal of landscape reserve spaces shall be processed via a Minor Improvement application.
6. Transportation Systems Management. Employers shall comply with the applicable requirements of the City's Transportation Systems Management ordinance.
7. Parking Lot Striping. All parking lot spaces shall be striped and labeled to the satisfaction of the Community Development Department prior to the issuance of certificate of occupancy.
8. Bicycle Parking Spaces. The total number of bicycle parking spaces shall be determined by the City Bicycle Coordinator in the Public Works Department. Final bicycle parking locations shall be established prior to issuance of building permits. Bicycle racks shall be Creative Pipe Series LR or Urban Accessories Model E or equal. Minor adjustment in bicycle parking locations and locking mechanism details may be approved by the Community Development and Public Works Departments.
9. Exterior Lighting. Prior to the issuance of building permits, the developer shall submit a lighting plan for the review and approval of the Building Official of the City of Davis. The lighting plan shall include shielding on all light fixtures and shall address limiting light trespass and glare through the use of shielding and directional lighting methods, including but not limited to, fixture location and height. The Plan shall comply with Chapter 6 of the Davis Municipal Code- Article VIII: Outdoor Lighting Control. Light standards should not exceed 15 feet in height as measured from the ground to the lens of the fixture and 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 fixtures shall be reviewed and approved by the Community Development Department prior to issuance of building permits. High quality decorative light fixtures of a character that match the project are

required and shall be reviewed by Community Development staff prior to issuance of building permits.

10. Target Entry Tower Lighting. The glazed portion of the Target entry tower feature may be illuminated only during normal business hours. Lighting shall comply with the City's Outdoor Lighting Control Ordinance, Chapter 8.17 of the City Municipal Code, to the satisfaction of the Community Development Director and specific methods of illumination shall be reviewed and approved administratively by the Community Development Department. Subtle up lighting within the tower with fixtures concealed below the interior wall is encouraged as an illumination method.
11. Property Maintenance. Property owners are responsible for maintaining all buildings, structures, yards, signs, parking areas and other improvements in a manner which 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.
12. Grading Plan. The applicant shall submit a final grading plan concurrent with the initial building plan check submittal to the Community Development Department.
13. Landscape Plan Revisions. The parking lot shading plan and landscape plan shall be reviewed and approved by the City arborist and City Community Development Director prior to issuance of building permits. Specific changes/alterations from the plans submitted in May, 2006 shall be made to include, but not necessarily limited to, the following:
 - a. parking lot shade tree species shall be more distributed throughout the parking lot so that no one species dominates a particular area of the lot. Where there are currently rows of the same species adjacent to each other, the plan shall integrate intertwining of different species (such as every other tree for example) to provide more variation in the parking lot.
 - b. landscaping, with emphasis on screen plantings and trees, shall be integrated immediately adjacent to the Target store building on the north and west building sides.
 - c. additional landscaping, with emphasis on tree planting and planting adjacent to the buildings, shall be integrated around pad buildings A, B, and C.
 - d. trees in the landscape buffer north of the Target building shall be predominantly evergreens.
 - e. street trees shall be integrated along the entire length of the Second Street frontage.

- f. final placement of gazebos and shade structures shall be consistent with the site plan. Minor adjustments to placement shall be reviewed by the Community Development Director.
14. Landscape and Irrigation Plans. Detailed landscape and irrigation plans shall be submitted and approved by the Community Development Department prior to issuance of building permits for the project. All project landscaping shall be maintained in a healthy manner in perpetuity. 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 name) container size, maximum growth habit, and quantity of all plant materials. The plant list shall incorporate native species as possible throughout the site;
 - c. Location of all pavements, fencing, buildings, accessory structures, property lines, and other pertinent site plan features;
 - d. Existing trees on site shall be identified. Trees planned for removal or relocation shall be marked on the plans;
 - e. Details of all irrigation (drip and sprinkler) as well as all equipment backflow, controller and meter devices; and
 - f. Two deep watering tubs per tree planted in an isolated parking lot planter island.
15. Trees. Trees shall be a minimum of 15 gallons. All trees shall be planted and staked in accordance with standards of the Parks and Community Services Department. All existing trees to remain shall be protected during construction with fencing to the drip line. Parking lot trees shall be located so as to not interfere with parking lot light poles. Parking lot trees shall be irrigated according to City Parking Lot Shading guidelines.
16. Tree Health Monitoring. Prior to issuance of building permits the applicant shall submit a tree health monitoring plan to the Community Development Department. The plan shall outline specific methods of tree health monitoring to be carried out by an independent qualified arborist or other qualified organization such as Tree Davis. The intent of the plan is to monitor the health of the trees on the project site and the parking lot shading trees and to make recommendations by a qualified consultant in order to help ensure the health and growth of trees on the project site. The plan shall outline the frequency and methodology of tree health audits, identify a funding mechanism, and identify implementation measures of the recommendations of the consultant. The audits shall occur at least once annually for a period of at least fifteen years from project construction and shall monitor compliance with the 50% shading requirement. The plan shall be reviewed and approved by the Community Development Director in consultation with the City Arborist prior to issuance of building permits. Copies of the reports and recommendations shall be submitted to the City Community Development Director and the City Arborist.
17. Shrubs. Shrubs shall be a minimum of 5 gallons.
18. Outdoor Plazas. The applicant shall work with Community Development staff to further refine and develop final plan details for the outdoor plaza areas outside of pads A, B, and

C and between pads A and B. Liberal use of pedestrian and landscape amenities and fixtures is required, including: integration of a water feature, integration of two specimen trees at the northern end of the walkway between pads A and B, Liberal use of large potted plants in decorative pots, integration of accent lighting, and benches and/or seat walls. Final design details shall be reviewed and approved by Community Development staff prior to issuance of building permits.

19. Parking Lot Shading. Trees shall be planted and maintained throughout the surface parking lot to ensure that within fifteen years after establishment of the parking lot, at least fifty percent (50%) of the parking area will be shaded at noon on August 21st. 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 Department prior to issuance of building permits.
20. Water Conservation Ordinance. The project shall comply with the Landscape and Water Conservation Ordinance of the Davis Municipal Code. Verification of compliance with this ordinance shall be to the satisfaction of the Public Works Department and shown on the building permit plans sets with the irrigation plan.
21. Landscape Maintenance. The following maintenance statement shall be added to the final landscape plan: All landscaped areas 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. Significant trimming or pruning of trees will not be permitted without prior City approval in accordance with the City Tree Preservation Ordinance.
22. Site Maintenance. The entire site shall be kept free of trash or debris at all times and in no event shall trash and debris remain for more than 24 hours.
23. Trash Enclosures. All outdoor trash enclosure and recycling areas shall be adequately screened from public view and should be compatible with the proposed building materials and colors. Substantial materials such as brick, stone and/or stucco with steel doors shall be utilized. Details of the trash enclosure shall be submitted to the satisfaction of the Community Development Department prior to issuance of building permits.
24. Equipment Screening. Prior to issuance of building permits, the applicant shall provide 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 Community Development shall be submitted 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 Department

prior to installation, and may be subject to discretionary Design Review processing and fees by the Community Development Department.

25. Approved Colors and Materials. The approved materials and colors for the buildings are as provided on the plans date stamped February 15, 2006 except as modified herein. Minor adjustments may be made via the Minor Improvement process.
26. Pad Building Modifications. Minor changes to the pad building facades may be approved administratively via the Minor Improvement process to accommodate adjustments to building entries as appropriate to accommodate tenants. Adjustments to the location and size of the pad buildings may be approved administratively via the Minor Improvement process to accommodate changes to the tenant sizes, consistent with the provisions of PD #10-04. The south elevation treatments of Pad C shall be shifted to the east elevation as it has more visual prominence on Second Street and scales down the building elevation that faces the apartments to the north. In turn, the east elevation treatment shall be shifted to the north. All modifications shall be in keeping with the approved architecture of the project
27. Target Building Modifications. The following modifications shall be made to the Target Building facades to the satisfaction of the Community Development Department and integrated into the building permit plan set:
 - a. Integrate a sloped roof covered arcade to the south of the main entry to provide weather protection for patrons and break up the lineal design of the building. The proposed canopy to the north of the main entry shall be modified to complement the design of the covered arcade and shall extend around the building as proposed in the plans submitted February 2006.
 - b. Shift the secondary brick façade feature at the southern end of the storefront northward to create a visual terminus where the pedestrian walkway from the parking lot connects with the storefront walk. Integrate a trellis or sloped canopy feature with enlarged columns in front to evoke a sense of entry at this location. An alternate material to brick, such as stone veneer, should be used on this façade feature to add more variation in the building storefront and break down the lineal mass of the building.
 - c. Use a shed roof slope on tower element to help visually relate with the accent roof forms on the pad buildings.
 - d. Strengthen the roofline profile of brick façade portions on the front elevation and integrate clerestory window or metal grid work elements at the upper portion.
 - e. Provide a stronger cornice profile on the primary building walls on all sides of the building.
 - f. Lower the Target logo sign so that it does not project above the building roofline and reduce its size to be more proportionate to the “Target” lettering. Translucent faced pan-channel letters are permitted for the Target store signs but must be pinned off and halo illuminated.
28. Signs. Signs indicated on the submitted plans are conceptual only. Any signs proposed for this development shall comply with a subsequent sign program for this development

to be reviewed and approved via the Minor Improvement process. The applicant shall apply for and receive approval of a sign program for the Target store prior to certificate of occupancy for the building. The sign program may be divided into two elements, one for the Target building and one for the pad buildings. All signs shall be of high quality materials and shall conform to the requirements of the zoning ordinance and PD #10-04.

29. Bus Shelter. Architectural plans for the proposed bus shelter along Second Street shall be submitted to the Community Development Department and the design shall be reviewed and approved by the Community Development staff prior to Certificate of Occupancy of the Target Store. The shelter design shall be made of high quality materials such as brick, stone, and/or decorative steel and shall be designed to match the character of the architecture of the project.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS
CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY ON NOVEMBER 7,
2006, FOR THE PURPOSE OF SUBMITTING A BALLOT MEASURE TO THE
VOTERS TO RATIFY OR REJECT THE CITY COUNCIL APPROVAL OF THE
SECOND STREET CROSSING PROJECT (TARGET STORE PROJECT), AND
SPECIFICALLY THE GENERAL PLAN AMENDMENT, SPECIFIC PLAN
AMENDMENT, REZONING AND PRELIMINARY PLANNED DEVELOPMENT, AND
DEVELOPMENT AGREEMENT AS SET FORTH IN ORDINANCE _____.**

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

SECTION 1. Calling of the Special Election. Pursuant to the laws of the State of California relating to municipal elections, including municipal elections consolidated with other elections, the City Council of the City of Davis hereby calls and orders held a special municipal election to be held in the City of Davis, County of Yolo, State of California on November 7, 2006, for the purpose of placing on the ballot the following measure:

“MEASURE _____

Shall the City Council’s approval of Ordinance ____, approving the Second Street Crossing Project, a retail development of approximately 183,000 square feet, including a General Merchandise Store of 137,000 square feet and other retail buildings totaling 46,000 square feet, including a General Plan Amendment (Ordinance ____, Exhibit A, Specific Plan Amendment (Exhibit B), Rezone (Exhibit C), and Development Agreement (Exhibit. D)) be ratified?

_____ YES _____ NO”

A full and complete copy of Ordinance No. _____ is attached hereto as Exhibit 1 and incorporated herein.

SECTION 2. Said special election shall be held on November 7, 2006. In all particulars not recited in this Resolution, said special election shall be conducted as provided by law for the holding of municipal elections in the City and the consolidation of municipal elections with other elections. Said special election shall be consolidated with all other elections to be held within the City on November 7, 2006.

SECTION 3. The City Council hereby directs the City Attorney to prepare an impartial analysis of the measure in accordance with section 9280 of the Election Code showing the effect of the measure on existing law and the operation of the measure.

SECTION 4. Rebuttal arguments may be submitted as provided for in section 9285 of the Elections code of the State of California. The provisions of said section 9285 are hereby adopted and shall apply to this election.

PASSED AND ADOPTED this _____ day of _____ 2006, by the following vote:

AYES:

NOES:

ABSENT:

Ruth Asmundson, Mayor

ATTEST:

Margaret Roberts, City Clerk

RESOLUTION NO. ____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS,
CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS
OF THE COUNTY OF YOLO TO CONSOLIDATE
A SPECIAL MUNICIPAL ELECTION
TO BE HELD ON NOVEMBER 7, 2006, WITH THE STATEWIDE GENERAL
ELECTION TO BE HELD ON THAT DATE
PURSUANT TO §10403 OF THE ELECTION CODE**

WHEREAS, the City Council of the City of Davis called a Special Election for the purpose of submitting a ballot measure to the voters of the City of Davis, to be held on November 7, 2006; and

WHEREAS, it is desirable that the Special Election be consolidated with the Statewide General Election to be held on the same date and within the City, that the precincts, polling places, and election officers of the City and the State elections be the same, and that the County Election Department of the County of Yolo canvass the returns of the Special Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to Section 10403 of the Elections Code, the Board of Supervisors of the County of Yolo is hereby requested to consent and agree to the consolidation of Municipal Special Election with the Statewide General Election on Tuesday, November 7, 2006, for the purpose of the submission of a city ballot measure to the voters. A full and complete copy of the Resolution calling the special election is attached hereto.

SECTION 2. The Board of Supervisors is hereby authorized and directed to canvass the returns of the election. The election shall be held in all respects as if there were only one election and only one form of ballot shall be used.

SECTION 3. The Board of Supervisors is requested to issue instructions to the County elections official to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. The City of Davis shall reimburse the County of Yolo for all costs and expenses incurred by the County in conducting said election upon presentation of a bill to the City.

SECTION 5. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County election official of the County of Yolo no later than August 1, 2006.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED _____ day of _____, 2006 by the following vote:

AYES:

NOES:

ABSENT:

Ruth Asmundson, Mayor

ATTEST:

Margaret Roberts, City Clerk