

**RESOLUTION NO. 18-\_\_\_, SERIES 2018**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAVIS AMENDING THE  
GENERAL PLAN TO RE-DESIGNATE THE “NISHI” PROPERTY FROM  
AGRICULTURE TO RESIDENTIAL MEDIUM HIGH DENSITY AND NATURAL  
HABITAT AREA, AND MAKE TEXT AMENDMENTS TO THE AGRICULTURE  
LAND USE CATEGORY, AND ESTABLISH THE BASELINE PROJECT FEATURES  
SUBJECT TO APPROVAL OF THE VOTERS**

WHEREAS, the City of Davis has visions to foster a safe, sustainable, healthy, diverse and stimulating environment for all in the community; maintain Davis as a cohesive, compact, university-oriented city surrounded by and containing farmland, greenbelts, natural habitats and natural resources; and preserve and create an array of distinct neighborhoods so that all residents can identify a neighborhood that is “home” for them; and

WHEREAS, the General Plan establishes parameters for consideration of a General Plan Amendment to change the designation of the Nishi Property to an urban land use category; and

WHEREAS; the City Council has established goals of supporting the community decision-making process on Measure R regarding Nishi through education regarding challenges and opportunities; and

WHEREAS, the Planning Commission held a public hearing on January 24, 2018 to receive comments and consider the proposed amendment; and

WHEREAS, the City Council held a public hearing on February 6, 2018 to receive comments and consider the proposed amendment; and

WHEREAS, Environmental Impact Report SCH #201512066 January 2018 adequately assesses the impacts of this General Plan Amendment; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVIS:

Section 1 – Land Use Map. The City of Davis General Plan Land Use Map (Figures 11a and 11b) are hereby amended with the change of the “Nishi” property from a designation of “Agriculture” to Residential Medium High Density, as shown in the map, Exhibit A, to this resolution.

Section 2 – Land Use Text Changes. The General Plan Land Use Text relating to the Agriculture category is hereby amended, as shown in the text, Exhibit B, to this resolution.

Section 3 – Baseline Project Features. The Baseline Project Features for the applications, as established by Chapter 41 of the City of Davis Municipal Code, are included as Exhibit C to this Resolution.

Section 4 – Effective Date. This Amendment shall not be effective unless and until the action is ratified by the voters in a “Measure R” election, as specified in City of Davis Ordinances 2008 and 2350, the Citizen’s Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance.

PASSED AND ADOPTED by the City Council of the City of Davis this 6<sup>th</sup> day of February, 2018, by the following vote:

AYES:

NOES:

Robb Davis  
Mayor

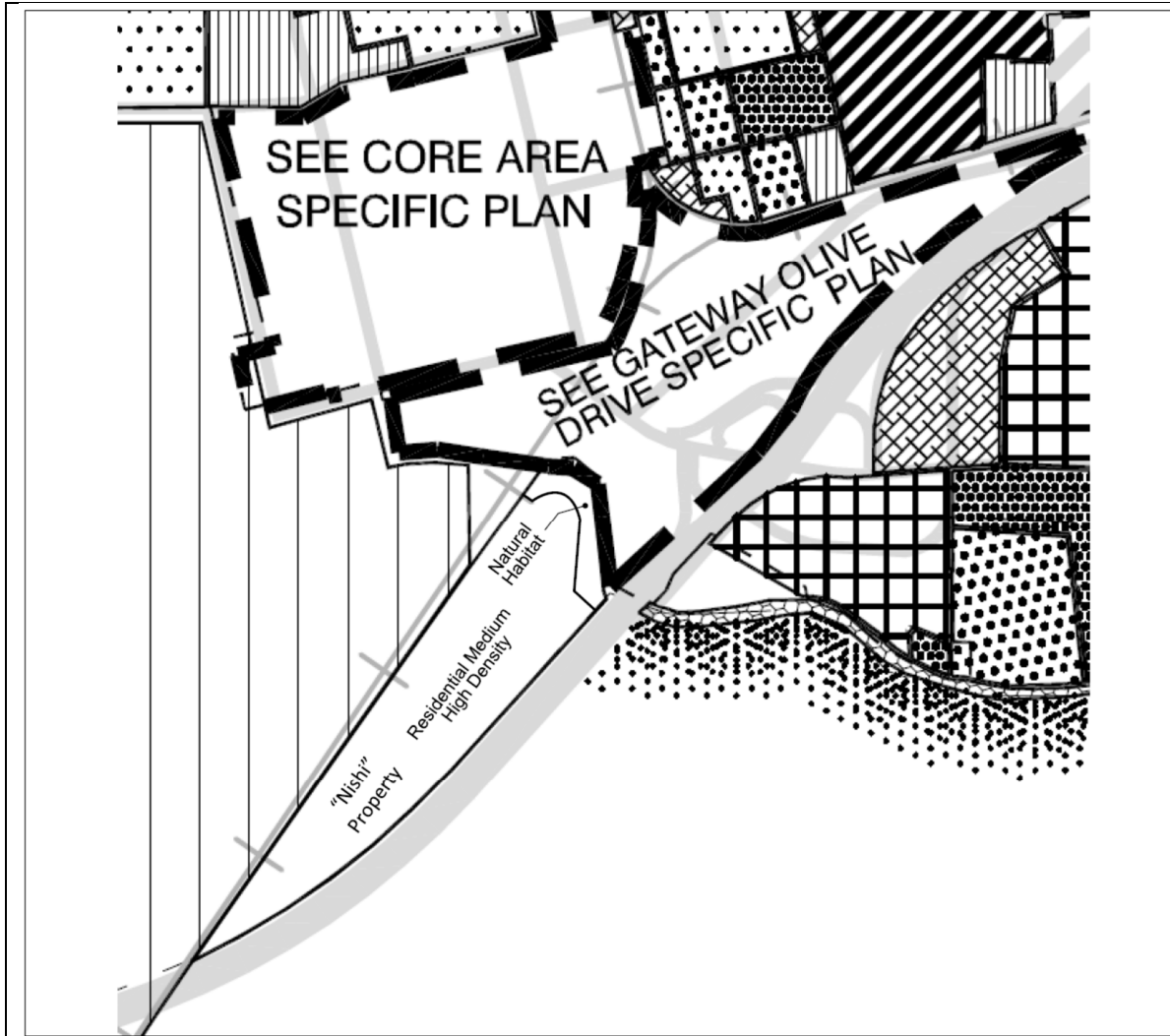
ATTEST:

Zoe S. Mirabile, CMC  
City Clerk

**Exhibits**

- A. General Plan Land Use Map
- B. General Plan Text Changes
- C. Measure J/R Baseline Project Features

Exhibit A  
General Plan Amendment for "Nishi" Property  
Land Use Map (Figures 11a and 11b)



For General Plan (Figures 11a and 11b) Land Use Designation for "Nishi" Property

## EXHIBIT B General Plan Text Changes

### O. Agriculture - Policy LU O.1

**Intent:** To protect valuable natural resources such as agricultural land and wildlife habitat, to allow for productive agricultural use surrounding or within Davis, to ensure a permanent buffer between adjacent jurisdictions that will maintain the separate identities of Davis and the surrounding cities, and to serve as a visual amenity around urban development.

**Allowable Uses and Densities:** Farmlands (including farmhouses and farm buildings), production of food, fiber and other agricultural crops, animal husbandry, and other appropriate agricultural uses not including agriculture related operations whose impacts are of urban intensity. New residential subdivisions are not allowed.

~~**Policy LU O.1** Should the City consider a General Plan Amendment from “Agriculture” to an urban land use category or to the “University of California, Davis” category on the 44-acre Nishi Property located between Interstate 80 and the Union Pacific Railroad west of Olive Drive, the following parameters shall be integrated in the planning for the urban/university use of the property:~~

- ~~1. Land Uses: The potential uses of the site shall be limited to university related uses such as student housing and high technology research uses. The type of uses, the intensity/density of the uses, and the sizing of the infrastructure shall be consistent with the property’s development carrying capacity as limited by the parameters established in this policy and as determined by the results of a development potential study.~~
- ~~2. Access: Any university related uses shall provide primary motor vehicle access from the UC Davis campus and not from Richards Boulevard to avoid impacts on the Richards corridor. Access assumptions and parameters shall include:
  - ~~a. Primary motor vehicle, pedestrian and bicycle access shall connect directly with developed portion of the UC Davis campus via a grade-separated crossing of the railroad. Primary access shall not consist of an at-grade crossing of the railroad tracks.~~
  - ~~b. Access via the Richards Boulevard corridor is anticipated to limited to pedestrians, bicyclists and emergency vehicles.~~
  - ~~e. The Putah Creek bicycle underpass facility shall remain a bicycle and pedestrian path (including maintenance access and possibly emergency service access) and shall not be widened to accommodate motor vehicle access to the Nishi Property.~~~~
- ~~3. Design: Project design shall incorporate and implement state-of-the-art ecological and new urbanism planning and design principles.~~

**EXHIBIT C**  
**Nishi Property**  
**Baseline Measure J/R Project Features**

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**NISHI PROPERTY BASELINE PROJECT FEATURES**

**Project Goals**

The essential concept for development on the Nishi property is to serve as a new student focused apartment neighborhood that takes advantage of the site's close proximity to both Downtown Davis and UC Davis, major transit corridors, unique adjacent open space features along the Putah Creek corridor, Davis Bike Loop, and Arboretum, Project goals include meeting the critical need for student housing at the highest feasible levels of sustainability, defined as long-term and balanced outcomes for people, the environment, and the economy. City Council goals for the development include fiscal, economic, and social benefits for the overall community.

**Land Use Summary**

The land use program for the development of the Nishi property is a medium high-density student focused residential use; accessory commercial/retail space; on-site stormwater detention and open spaces, private open space for the proposed residential uses; and parking. A Land Use Map depicting the location of the proposed land uses, along with proposed roadways and connections to adjacent areas, is attached as Exhibit A.

The acreages are subject to minor changes to reflect requirements of engineering, sustainability, and other implementation requirements. The total number of residential units and accessory retail/office and parking cannot be greater than those outlined below without a further vote of the electorate, except as expressly set forth in these baseline project features.

Future development will be required to be consistent with the land use program enumerated in these Baseline Project Features (number of units, square footage, etc.) but would have flexibility in how specific buildings and exterior spaces on each block are designed in terms of orientation, floorplates, building footprints, etc.

**Residential**

As set forth in the General Plan amendment, a maximum of 700 multifamily residential rental units shall be permitted. The project will include no more than 2200 beds. Accessory buildings

are permitted in this zone-along with management offices. This area is approximately 27 acres as shown on Exhibit A.

### **Accessory Retail/Office**

10,000 square feet of Ancillary ground-floor retail, office, and service space, is permitted in the residential area as established in the Preliminary Planned Development for the Nishi property

### **Open Space**

Open space within the Nishi site will include the Putah Creek corridor expanded to 3.3 acres, the Urban Forrest, and stormwater open space area totaling approximately 13.6 acres as depicted on Exhibit A.

### **Green Buffer- Urban Forrest**

Open space shall include a continuous Urban Forest tree buffer between buildings and Interstate 80 as shown on Exhibit A.

### **Backbone Infrastructure**

Backbone infrastructure includes a roadway bike and pedestrian connecting to the UC Davis campus, bicycle paths and sidewalks, public utilities, stormwater drainage and detention, and open space, and a grade-separated crossing of the Union Pacific Railroad. These improvements are solely the responsibility of Developer, at the Developer's sole cost, with fee credits as set forth in the Development Agreement. Notwithstanding the above, City and Developer shall collaborate to seek grant or other financing for grade-separated connection to UC Davis, sustainability improvements, or other infrastructure components.

### **Roadways, Circulation, and Parking**

The proposed circulation system for the Nishi site consists of new local streets, along with a system of pedestrian and bicycle "greenways" that would connect the site with the West Olive Drive subarea to the northeast and the UC Davis campus to the west. This system would provide enhanced connectivity for pedestrians, bicyclists, and transit riders, via new multi-modal connections and linkages to existing greenways along the historic Putah Creek corridor.

The backbone access of the Nishi circulation system will connect with Old Davis Road and the UC Davis campus via a new grade-separated crossing of the UPRR line, subject to approval by the Regents of the University of California.

There will be no vehicular traffic access allowed to West Olive Drive except for emergency vehicles, & public transit.

Not more than 700 off-street surface parking spaces may be constructed on the site for residents as shown on Exhibit A. Visitor parking will also be provided as well as parking for on-site management.

### **Phasing**

Construction of backbone infrastructure, including the central street, utility mains, and drainage improvements, may be commenced only after commencement of construction of the grade separated connection to UC Davis at Old Davis Road. Certificates of Occupancy will not be issued for any buildings on the property until the UC Davis connection (which is subject to approval by the Regents of the University of California), has been completed and adequate secondary emergency vehicle access is provided to the satisfaction of the City Manager.

### **Sustainability Components**

The project is subject to Sustainability Commitments as established in the Development Agreement. Specific components required by these Baseline Project Features are the following:

- Compliance with EIR Mitigation Measure calling for a Transportation Demand Program, including limitations on peak-hour vehicle trips.
- Project will maximize photovoltaics, or equivalent, as established in the Development Agreement with goal of net zero. Project will join CCE once established and operative and will buy power at the “green rate” from CCE (if available) if project does not achieve net zero.
- All buildings shall meet LEEDv3 Gold standards or equivalency.
- The City Council may allow other energy generation or conservation features as substitutes for any or all of the photovoltaics, upon review by the Environmental Certification Panel and a determination that the substitution would provide additional sustainability benefits and be consistent with other requirements of the Baseline Project Features, EIR Mitigation Measures,
- For the sustainability program, developer shall install water sub metering to allow for individual monitoring for individual apartment units

### **Community Enhancements & Fees**

Reimbursement for Property Taxes. Developer shall record a covenant on the title to the Project Site regarding property tax payments. The covenant shall include a permanent obligation for the property owner to make payments to the City, Yolo County, and Davis Joint Unified School District in lieu of the City’s, Yolo County’s and Davis Joint Unified School District’s respective

share of otherwise-required property taxes in the event that the Property is acquired or master leased by an entity exempt from payment of property taxes. Wording of the covenant is subject to review and approval of the City Attorney

Developer shall repay predevelopment expenses incurred by City in accordance with the Pre-Development and Cost-Sharing Agreement approved by the City Council on November 27, 2012 as set forth in the Development Agreement

Developer shall contribute two hundred thousand (\$200,000) to community enhancement programs to be used at the sole discretion of the City Council for the following three City programs: on-site civic arts, establishment of a local carbon offset program, and implementation of the Downtown Parking Management Plan.

Developer will pay Development Impact Fees to City of Davis as outlined in Development Agreement, currently estimated as follows: \$11,000,000 impact fees plus \$2,100,000 in construction tax and \$2,100,000 permit fees.

Developer will pay Yolo County Impact Fees currently estimated at: \$2,200,000

Developer shall pay the Davis Joint Unified School District impact fees currently estimated at: \$2,100,000.

### **Agricultural mitigation**

Agricultural mitigation shall be provided in accordance with City of Davis Municipal Code requirements. Mitigation lands shall be identified prior to commencement of construction activity on the Property. Location of mitigation lands is subject to review and approval by the City Council and will not include any City-owned land.

### **Affordable Housing:**

The Developer shall comply with the affordable housing requirements as set forth in the Development Agreement, which is focused on providing housing for extremely low and very low income students.



## **Baseline Project Features: Implementation**

The Nishi Gateway project is required to develop in a manner consistent with these Baseline Features. As provided for in Measure J/R, the Baseline Features may not be changed without approval by the voters of the City. The Planning Commission will review compliance with these Baseline Project Features as it considers application for Final Planned Development, Tentative Subdivision Map, approval of Design Guidelines, implementation of sustainability plans, and through the annual review of implementation of the Project's Development Agreement. There are other additional requirements for the Nishi Gateway project, including but not limited to, the mitigation measures set forth in the Final Environmental Impact Report, and the Development Agreement that, while important to the Project, are not Baseline Project Features and may be modified with the approval of the City, after the appropriate public process. In addition, minor changes to the Project can be anticipated during the course of this multiple year build out. Such changes, often the result of detailed engineering, sustainability obligations, or changing conditions, may be changed without voter approval, if they are substantially consistent with the Baseline Features and they do not materially alter the character of the project, as established in Resolution 06-40 Establishing Criteria to Determine What Constitutes a Significant Project Modification or Change Requiring a Subsequent Measure J Vote.