

ORDINANCE NO. 2543

ORDINANCE AMENDING CHAPTER 40 OF THE MUNICIPAL CODE OF THE CITY OF DAVIS TO AMEND PRELIMINARY PLANNED DEVELOPMENT (PD) #1-11 (THE CANNERY) RELATED TO THE RESIDENTIAL UNITS, DEVELOPMENT INTENSITY, AND USES IN SUBAREA I, NEIGHBORHOOD MIXED USE

WHEREAS, Planned Development (PD) #1-11 (Ordinance No. 2428) was adopted by the City Council of the City of Davis on December 3, 2013 and establishes zoning uses and development intensity for the subareas in the approximately 100-acre property in the Cannery Planned Development; and

WHEREAS, an amendment to PD #1-11 (Ordinance No. 2484) was adopted by the City Council of the City of Davis on July 12, 2016 to increase the number of residential units in Subarea G, the University Flats stacked flat condominiums, and in Subarea I, the Neighborhood Mixed Use commercial district; and

WHEREAS, this amendment to PD #1-11 to increase the number of residential units and building square footage in Subarea I, the Neighborhood Mixed Use commercial district, is consistent with the allowed uses and does not have an adverse effect on the surrounding area; and

WHEREAS, the amendment enhances the variety and options for housing in the community; and

WHEREAS, the amendment is consistent with approved subdivision and City requirements, does not alter the design or layout of the subdivision or result in any land use changes to the subdivision, and development conforms to applicable standards; and

WHEREAS, the Environmental Impact Report (SCH 2012032022) as certified by Resolution No. 13-159 and the Mitigation Monitoring and Reporting Program, which were adopted by the City Council of the City of Davis on November 19, 2013 for The Cannery Project, analyzed an upper limit of 610 residential units and 236,000 square feet of mixed-use commercial, office and high-density residential uses within The Cannery and adequately evaluated the environmental impacts; and

WHEREAS, an Addendum to the Cannery EIR was prepared pursuant to the California Environmental Quality Act evaluating the revisions to the approved project for the additional building square footage and the additional residential apartment units. The EIR Addendum adequately analyzed the environmental impacts related to the revisions and determined that the revisions to the previously approved project do not result in any new significant environmental impacts and do not require any new mitigation measures beyond the level analyzed for the project in the previously certified EIR; and that the proposed revisions do not result in a substantial change to the approved project that would require major revisions to the previously certified EIR and does not require preparation of a Subsequent EIR; and

WHEREAS, the Planning Commission held a public hearing on January 24, 2018 on the proposed amendment, during which public hearing the Planning Commission received comments from the Developer, City staff, and members of the general public and voted 5-2 recommend approval; and

WHEREAS, the City Council held a duly noticed public hearing on November 13, 2018 on the proposed amendment, during which public hearing the City Council received comments from the Developer, City staff, and members of the general public.

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

SECTION 1. SUBAREA I: PURPOSE

Section 4.C.1 Purpose in PD #1-11 Subarea I, shall be amended to read as follows:

The purpose of the Neighborhood Mixed Use subarea is to provide a mix of non-residential and residential uses in areas conveniently located to neighborhoods and to facilitate transit and bicycle/pedestrian travel through a blending of retail, job-generating, and residential uses. The West Side is intended to be oriented toward local-serving office and services, small start-ups and technology businesses, and mid-size technology and manufacturing businesses, with residential uses mixed on the site. The East side is intended to be retail, offices, and possible upper-floor residential uses.

SECTION 2. SUBAREA I: PERMITTED USES (NEIGHBORHOOD MIXED USE – WEST SIDE)

Section 4.C.2 Permitted Uses (Neighborhood Mixed Use - West Side) in PD #1-11 Subarea I, shall be amended to modify as follows:

Condominium Units, Lofts, Townhomes, Flats/Multi-Family Units (permitted on the ground floor) up to a maximum of 72 units; and Live/Work or Mixed-Use Building Units (business/commercial on ground floor, residential use above) up to a maximum of 12 units.

SECTION 3. SUBAREA I: CONDITIONAL USES (NEIGHBORHOOD MIXED USE)

Section 4.C.5, Conditional Uses in PD #1-11 Subarea I, shall be amended to read as follows:

The conditional uses within Sub Area I (Neighborhood Mixed Use – West Side and Neighborhood Mixed Use – East Side) of PD-1-11 shall be consistent with the conditional uses in section 40.15.050 of the Zoning Ordinance, as amended from time to time. Additionally, the following uses, as restricted, are permitted as conditional uses within Sub Area I (Neighborhood Mixed Use) of PD 1-11.

- i. Medical, Dental Office, Clinics (West Side Only)
- ii. Neighborhood-Serving Food or Drug Store greater than 5,000 square feet (East Side only)

- iii. Plant Nursery including outdoor storage of plant materials
- iv. Any single permitted or conditional non-residential use greater than 15,000 square feet
- v. Condominium Units, Lofts, Townhomes, Flats/Multi-Family Units, Mixed-Use Building Units, or Live-Work Units exceeding the number allowed as a permitted use.

SECTION 4. PRELIMINARY PLANNED DEVELOPMENT AREAS

The tables of the land use areas contained in PD 1-11 in Section 5 (Preliminary Planned Development Areas) and in Exhibit D (The Cannery Preliminary Planned Development Land Use - Sub Area Map), which identify the number of residential units and square footage, shall be amended to update Subarea I, Neighborhood Mixed Use subarea, for a total of 84 residential units and 182,350 square feet.

SECTION 5. FINDINGS.

The City Council of the City of Davis hereby finds:

- (1) The proposed amendment is in conformance with the General Plan, which designates The Cannery with a mix of residential and mixed-use commercial subareas that permits the residential and commercial uses; and
- (2) The proposed amendment is in general conformance with the city master plan; and
- (3) The adoption of the proposed amendment to the Preliminary Planned Development will be consistent with the Zoning Ordinance, as the purpose of the Planned Development District is to allow for diversification in the relationship of various buildings and structures and provide relief from the rigid standards of conventional zoning, and
- (4) The public necessity, convenience and general welfare require the adoption of the proposed amendment, and
- (5) The residential use is appropriate in area, location and overall planning for the purpose proposed and the surrounding area shall be protected from any adverse effects from such development; and
- (6) The Environmental Impact Report (SCH 2012032022) for The Cannery project, as certified by Resolution No. 13-159, which included a Mitigation Monitoring and Reporting, adequately evaluated the environmental impacts and was adopted by the City and that pertinent mitigation measures would apply to the development of the subject site. An Addendum to the EIR was prepared and adopted by the City. The Addendum determined that the revisions to the previously approved project do not result in any new significant environmental impacts and do not require any new mitigation measures beyond the level analyzed for the project in the previously

certified EIR; and that the proposed revisions do not result in a substantial change to the approved project that would require major revisions to the previously certified EIR and does not require preparation of a Subsequent EIR.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective on and after the thirtieth (30th) day following its adoption.

INTRODUCED on the 13th day of November, 2018, and PASSED AND ADOPTED at a regular meeting of the City Council of the City of Davis this 27th day of November, 2018, by the following vote:

AYES: Arnold, Carson, Frerichs, Partida, Lee

NOES: None



Brett Lee
Mayor

ATTEST:



Ede S. Mirabile, CMC
City Clerk