

ORDINANCE NO. 2428

REZONING/PRELIMINARY PLANNED DEVELOPMENT ZONING ORDINANCE

ORDINANCE AMENDING SECTION 40.01.090 OF CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE BY REZONING THE CANNERY PROPERTY (APN #035-970-034, 035-970-035, 035-97-037, 035-970-051 and 035-970-052) LOCATED NORTH OF EAST COVELL BOULEVARD AND EAST OF THE UNION PACIFIC RAILROAD AND F STREET OPEN DRAINAGE CHANNEL, OF APPROXIMATELY 100.1± ACRES, FROM PD-1-00 PLANNED DEVELOPMENT – LIGHT INDUSTRIAL) TO PLANNED DEVELOPMENT (PD) #1-11 (PD-1-11)

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

SECTION 1. PROPERTY AREA.

The Property consists of properties located north of East Covell Boulevard and east of the Union Pacific Railroad and F Street Open Drainage Channel totaling 100.1± acres generally described and referred to as APN 035-970-034, 035-970-035, 035-97-037, 035-970-051 and 035-970-052 which are shown on Exhibit A and described in Exhibit B.

SECTION 2. ZONING MAP CHANGE.

Section 40.01.090 (Zoning Map) of Chapter 40 of the Code of the City of Davis, as amended, is hereby amended by changing the land use designation of the parcels containing approximately 100.1± acres as shown on Exhibit A, from PD-1-00 (Planned Development – Light Industrial) to PD-1-11 (PD-1-11) for The Cannery Planned Development, as shown on Exhibit C.

SECTION 3. PURPOSE OF PRELIMINARY PLANNED DEVELOPMENT AREA.

The purpose of this preliminary planned development is to:

- a) Provide a portion of the City's need for residential units through infill development to meet the needs of a broad section of residents and lifestyles;
- b) Promote and ensure that the new residential uses will be consistent and compatible with existing adjacent neighborhoods;
- c) Create a safe, healthy, and sustainable neighborhood environment, including energy-efficient building, transportation measures, and sustainable site and building design;
- d) Provide multigenerational residential units that exceed the City's goals and policies regarding accessibility and visitability; and
- e) Provide a neighborhood mixed-use site with retail and commercial services, offices, research and development flex space, and opportunities for residential uses.

SECTION 4. USES.

Specified uses for each Sub Area within PD-1-11, as depicted on Exhibit D, Land Use-Sub Area Map, are provided in this section.

A) Sub Areas A, B, C, D, and E of PD-1-11.

The subsection pertains to Sub Areas A (The Park Homes), B (Cannery Village), C (The Cottages), D (The Bungalow Alleys), and E (The Courts) as shown on Exhibit D, Land Use-Sub Area Map.

1. Permitted Uses. The principal permitted uses within Sub Areas A, B, C, D, and E of PD-1-11 shall be consistent with the permitted uses in Section 40.03.020 (Permitted Uses) of Article 40.03 Residential One-Family (R-1) District of the Zoning Ordinance, as amended from time to time.

The following use shall also be permitted within Sub Areas A, B, C, and D:

Up to 60 Accessory Dwelling Units, including the 40 Accessory Dwelling Units established in the project affordable housing project individualized plan, as identified the Final Planned Development (Section 6, Residential Neighborhoods).

2. Accessory Uses.

The accessory uses within Sub Areas A, B, C, D and E of PD-1-11 shall be consistent with the accessory uses in Section 40.03.030 (Accessory Uses) of Article 40.03 Residential One-Family (R-1) District of the Zoning Ordinance, as amended from time to time.

3. Conditional Uses.

The conditional uses within Sub Areas A, B, C, D and E of PD-1-11 shall be permitted consistent with Section 40.03.040 (Conditional Uses) of Article 40.03 Residential One-Family (R-1) District of the Zoning Ordinance, as amended from time to time.

B) Sub Areas F, G, and H of PD-1-11.

The subsection pertains to Sub Areas F (The Row Homes), G (The University Flats), and H (The Lofts) as shown on Exhibit D, Land Use-Sub Area Map.

1. Permitted Uses.

The principal permitted uses within Sub Areas F, G, and H of PD-1-11 shall be consistent with the permitted uses in section 40.09.020 (Permitted Uses) of Article 40.09 Residential High Density Apartment (R-HD) District of the Zoning Ordinance, as amended from time to time. Up to 40 dwelling units per acre is allowed within these subareas.

2. Accessory Uses.

The accessory uses within Sub Areas F, G, and H of PD-1-11 shall be consistent with the accessory uses in section 40.09.030 (Accessory Uses) of Article 40.09 Residential High Density Apartment (R-HD) District of the Zoning Ordinance, as amended from time to time.

3. Conditional Uses.

The conditional uses within Sub Areas F, G, and H of PD-1-11 shall be permitted consistent with section 40.09.040 (Conditional Uses) of Article 40.09 Residential High Density Apartment (R-HD) District of the Zoning Ordinance, as amended from time to time.

C) Sub Area I of PD-1-11.

This subsection pertains to Sub Area I (Neighborhood Mixed Use – West Side and Neighborhood Mixed Use – East Side) of PD-1-11.

1. Purpose.

The purpose of the Neighborhood Mixed Use subareas 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. The East side is intended to be retail, offices, and upper-floor residential uses.

2. Permitted Uses (Neighborhood Mixed Use – West Side).

The principal permitted uses within Sub Area I (Neighborhood Mixed Use – West Side) of PD-1-11 are as follows:

- i. Administrative, executive and financial offices
- ii. Research or testing laboratories
- iii. Light manufacturing and technology businesses
- iv. Bank, Financial Institutions
- v. Bicycle Rental, Storage, Services
- vi. Business Services, Office Support
- vii. Art Gallery, Studio
- viii. Day Care Facilities (Child or Adult)
- ix. Computer-Related Services
- x. Education, Training Facilities
- xi. Commercial Recreation (climbing gym, yoga, gym, studio, specialty recreation, etc.)
- xii. Manufacturing, assembly or packaging of products, including food, laboratories
- xiii. Flex Space, defined as space that can be built to accommodate variable amounts of office, studio areas, display areas, research laboratories, or industrial uses.
- xiv. Office, Professional, Administrative Uses, Government Offices
- xv. Live/Work Units (business use on ground floor, residential use above) – up to a maximum of 12 units
- xvi. Uses similar to those allowed in the Commercial Neighborhood Combining District, as determined by the Planning Director

3. Permitted Uses (Neighborhood Mixed Use – East Side).

The principal permitted uses within Sub Area I (Neighborhood Mixed Use – East Side) of Planned Development #1-11 are as follows.

With the exception of the market hall, no single user shall be greater than 12,000 square feet initially and no future addition may allow for any single user greater than 15,000 square feet, except as established in Section C.5 (Sub Area I of PD-1-11, Conditional Uses) below:

- i. Bank, Financial Institutions
- ii. Brewery, Wine Bar
- iii. Bicycle Rental, Storage, Services
- iv. Business Services, Office Support
- v. Art Gallery, Studio
- vi. General Merchandise
- vii. Food Services (restaurant/bar, café, deli, etc.)
- viii. Market Hall not exceeding 12,000 square feet and defined as a single space occupied by small eateries, specialty vendors and fresh food sales, with common area or shared seating for dining.
- ix. Food Production/Food Preparation in Conjunction with Retail Sales
- x. Day Care Facilities (Child or Adult)
- xi. Computer-Related Services
- xii. Education, Training Facilities
- xiii. Commercial Recreation (climbing gym, yoga, gym, studio, specialty recreation, etc.)
- xiv. Neighborhood-Serving Food or Drug Store not exceeding 5,000 square feet
- xv. Personal Services (salon, tanning)
- xvi. Specialty Food (wine, coffee, pastry, etc.)
- xvii. Specialty Retail (culinary, home furnishings, bicycle, cellular phones, books, clothes, etc.)
- xviii. Office, Professional, Administrative Uses, Government Offices
- xix. Condominium Units, Lofts, Townhomes, Flats/Multi-Family Units (permitted on second floor; conditionally permitted on first floor), and or Live/Work Units (business use on ground floor, residential uses above) – up to a maximum of 12 units.
- xx. Uses similar to uses allowed in the Commercial Neighborhood Combining District, as determined by the Planning Director

4. Accessory Uses.

The accessory 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 accessory uses in section 40.15.040 of the Zoning Ordinance, as amended from time to time. The permitted accessory uses within Sub Area I shall also include the following:

- i. Bicycle Storage, Bicycle Rental
- ii. Bicycle or Car Share Services
- iii. Farm Stand/Outdoor Market

- iv. Outdoor Entertainment, associated with Permitted Uses
- v. Power Generating Facilities (solar)

5. Conditional Uses.

The accessory 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 accessory uses in section 40.15.040 of the Zoning Ordinance, as amended from time to time.

The following uses are permitted as a conditional use within Sub Area I (Neighborhood Mixed Use – West Side only) of PD-1-11.

- i. Plant Nursery including outdoor storage of plant materials
- ii. Medical, Dental Office, Clinics
- iii. Neighborhood-Serving Food or Drug Store greater than 5,000 square feet (East Side only)
- iv. Any retail use greater than 15,000 square feet
- v. Condominium Units, Lofts, Townhomes, Flats/Multi-Family Units on the first floor or exceeding the number of units allowed as a permitted use.

6. Prohibited Uses.

Prohibited uses within Sub Area I (Neighborhood Mixed Use – West Side and Neighborhood Mixed Use – East Side) of Planned Development #1-11 are as follows:

- i. Liquor stores (liquor sales not as part of market or restaurant)
- ii. Adult businesses
- iii. Gas station
- iv. Theaters
- v. Drive-thru restaurants
- vi. Gun and ammunition sales

7. Special Conditions.

- i. The Final Planned Development for the Mixed-use Area shall demonstrate road widths and driveways are sufficient to allow east- and west-bound buses to provide services to the area between the Mixed-use Area and the southern park. Prior to Planning Commission approval of the Final Planned Development, Unitrans and Yolobus shall be consulted to determine likely delivery of bus services and best location for an internal bus stop.
- ii. Final Planned Development shall evaluate and propose methods to address truck loading and trash pickup to minimize conflicts with through traffic and parking on South Loop C.

D) Sub Area K of PD-1-11.

This subsection pertains to Sub Area K (Clubhouse) as shown on Exhibit D, Land Use-Sub Area Map.

1. Permitted Uses.

The principal permitted uses within Sub Area K (Clubhouse) of PD-1-11 are for purposes of homeowners' association and/or clubhouse buildings for the following purposes:

- i. Homeowners' associate, resident, and guest use
- ii. Rental for special events by the homeowners' association
- iii. Builder activities associated with sales and marketing during the active sales period

2. Special Conditions.

As a community building within PD-1-11, uses within Sub Area K shall be consistent with special conditions in Section 40.26.090 (Community buildings, clubs, etc., in R districts) of Article 40.26 the Zoning Ordinance, as amended from time to time.

E) Sub Area M of PD-1-11.

This subsection pertains to Sub Area M (Urban Farm) as shown on Exhibit D, Land-Use Sub Area Map.

1. Permitted Uses.

The principal permitted uses within Sub Area M (Urban Farm) of PD-1-11 shall be consistent with the following permitted uses in Section 40.02.020 (Permitted Uses) of Article 40.02 Agricultural (A) District of the Zoning Ordinance, as amended from time to time, with the exception of livestock ranges and animal husbandry uses which shall be conditionally permitted in this sub area.

- i. Agriculture, including any customary building and structure, and such uses as field crops, tree crops, nurseries and greenhouses, and other agricultural occupations as defined in Chapter 40 of the Zoning Code, as amended from time to time.
- ii. One building not to exceed 3,000 square feet to be used for public meeting, education, and enrichment purposes.
- iii. Public parks and recreation areas.

2. Accessory Uses.

The accessory uses within Sub Area M (Urban Farm) of PD-1-11 shall include the accessory uses in Section 40.02.030 (Accessory Uses) of Article 40.02 Agricultural (A) District of the Zoning Ordinance, as amended from time to time.

The following accessory uses are also permitted within Sub Area M:

- i. Sales of agricultural products, to be operated by the owner or tenant of the property upon which the sales activity is located. Agricultural products may be displayed and sold from the premises.
- ii. Builder activities associated with sales and marketing, including a sales center for the purpose of disseminating information to visitors such as locations of parks, walking and bicycle trails, sustainability features, shopping, local schools, the university, churches, healthcare options, and current new home sales options within the neighborhood.

- iii. Agricultural tourism, including, but not limited to: U-Pick operations, on-site tours, on-site agricultural instruction or demonstrations, lectures or classes about agriculture related topics and participation in agricultural operations on the premises.

3. Conditional Uses.

The conditional uses within Sub Area M (Urban Farm) of PD-1-11 shall be consistent with the conditional uses in Section 40.02.040 (Conditional Uses) of Article 40.02 Agricultural (A) District of the Zoning Ordinance, as amended from time to time.

- i. Ranch and farm dwellings appurtenant to a principal agricultural use.
- ii. Living quarters of persons regularly employed on the premises, but not including labor camps and labor dwellings, accommodations or areas for transient labor.
- iii. Livestock ranges and animal husbandry uses.

F) Permitted Temporary Uses.

The following temporary uses shall be permitted within PD-1-11:

1. Construction Support. Temporary building and structures supporting residential development and major construction. Such uses shall be terminated upon completion of construction activities.
2. Sales and Marketing Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sales and marketing of dwellings and lots within the residential subdivision.

SECTION 5. PRELIMINARY PLANNED DEVELOPMENT AREAS

The land uses areas for The Cannery Planned Development, along with residential unit and square footage allocations for each of the areas are as follows and as shown on Exhibit D:

Planned Development Sub Area	Planned Development (PD) Designation	Gross Acres	Net Acres	Units	Square Footage
A	The Park Homes	15.18	10.99	87	
B	Cannery Village	2.36	1.88	16	
C	The Cottages	10.29	6.35	76	
D	The Bungalow Alleys	5.73	3.39	44	
E	The Courts	7.91	4.69	72	
F	The Brownstones	4.59	2.27	72	
G	The University Flats	5.16	3.08	96	
H	The Cannery Lofts	2.65	1.69	40-60	
I	Neighborhood Mixed-Use East Side (Market Flats) West Side (Studio Row)	15.06	12.00	12 12	
J	Greenbelt	5.74	5.60		
K	Clubhouse	1.10	0.89		
L	Park	7.10	5.74		

M	Ag Buffer/Urban Farm (East)	7.41	7.41		
N	Ag Buffer/Detention Basin (North)	6.01	6.01		
O	Open Space/Detention Basin (West)	1.46	1.46		
P	Well Site	0.23	0.23		
Q	Future Well Expansion Site	0.39	0.39		
R	East Covell Boulevard	1.72	1.72		
	Neighborhood Streets		24.30		
		100.1	75.8	547	171,270

SECTION 6. FINAL PLANNED DEVELOPMENT (FPD)

A Final Planned Development (FPD) approval shall be required prior to the development of the site. The FPD shall be consistent with The Cannery Planned Development.

The development standards and design guidelines for development for The Cannery Planned Development, including setbacks, parking requirements, and sign regulations, shall be contained in the Final Planned Development (FPD). The Final Planned Development shall include typical development standards for each residential Sub Area. As each parcel is developed, builder shall provide an “as-built” plot plan prior to issuance of Certificate of Occupancy. The “as-built” plot plan shall constitute the Final Planned Development for that parcel. No expansion of the structure will be subsequently permitted without review and approval of a Revised Final Planned Development.

For provisions not covered by this ordinance, the provisions of Chapter 40 of the Davis Municipal Code, as amended, shall apply. Where there is a conflict between the provisions of Chapter 40 and this ordinance, the provisions of this ordinance shall apply.

SECTION 7. ENVIRONMENTAL IMPACT REPORT MITIGATION MEASURES.

This amendment to the Zoning Chapter of the Municipal Code to the Planned Development District shall be subject to the mitigation measures in The Cannery Environmental Impact Report (EIR).

SECTION 8. SPECIAL CONDITIONS

1. This preliminary planned development is subject to the following development obligations:
2. Circulation improvements, as specified in the Development Agreement.
3. Sustainability commitments, as specified in the Development Agreement.
4. Small builder commitment, as specified in the Development Agreement.
5. Universal and Livable Design commitment, as specified in the Neighborhood Design Guidelines.
6. Single-story commitments, as specified in the Development Agreement.
7. Affordable housing commitments, as specified in the Development Agreement.
8. HOA clubhouse access to all residents, as specified in the Affordable Housing Plan.

SECTION 9. FINDINGS.

- A) The City Council of the City of Davis hereby finds that the criteria for the approval of the preliminary planned development have been fulfilled:
1. The planned development is in conformity with the General Plan.
 2. The Cannery Planned Development is in conformity with the intent of the Planned Development District of the Zoning Chapter (Article 40.22).
 3. The Cannery Planned Development is 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. The proposed Planned Development is intended to provide an integrated neighborhood.
 4. The property is suitable for the proposed development.
- B) The City Council further finds that the public necessity and convenience and general welfare requires the adoption of re-zoning set forth in Section 1.
- C) The City Council further finds that it has reviewed and considered The Cannery Environmental Impact Report (EIR) and has determined that the document adequately addresses the environmental effects of the zoning/preliminary planned development.

SECTION 10. EFFECTIVE DATE.

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

INTRODUCED on the 19th day of November, 2013, and PASSED AND ADOPTED by the City Council of the City of Davis this 3rd day of December, 2013 by the following vote:

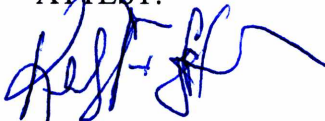
AYES: Frerichs, Swanson, Wolk

NOES: Lee, Krovoza



Joseph F. Krovoza
Mayor

ATTEST:



Zoe S. Mirabile, CMC
City Clerk

Exhibit A
The Cannery Planned Development Property

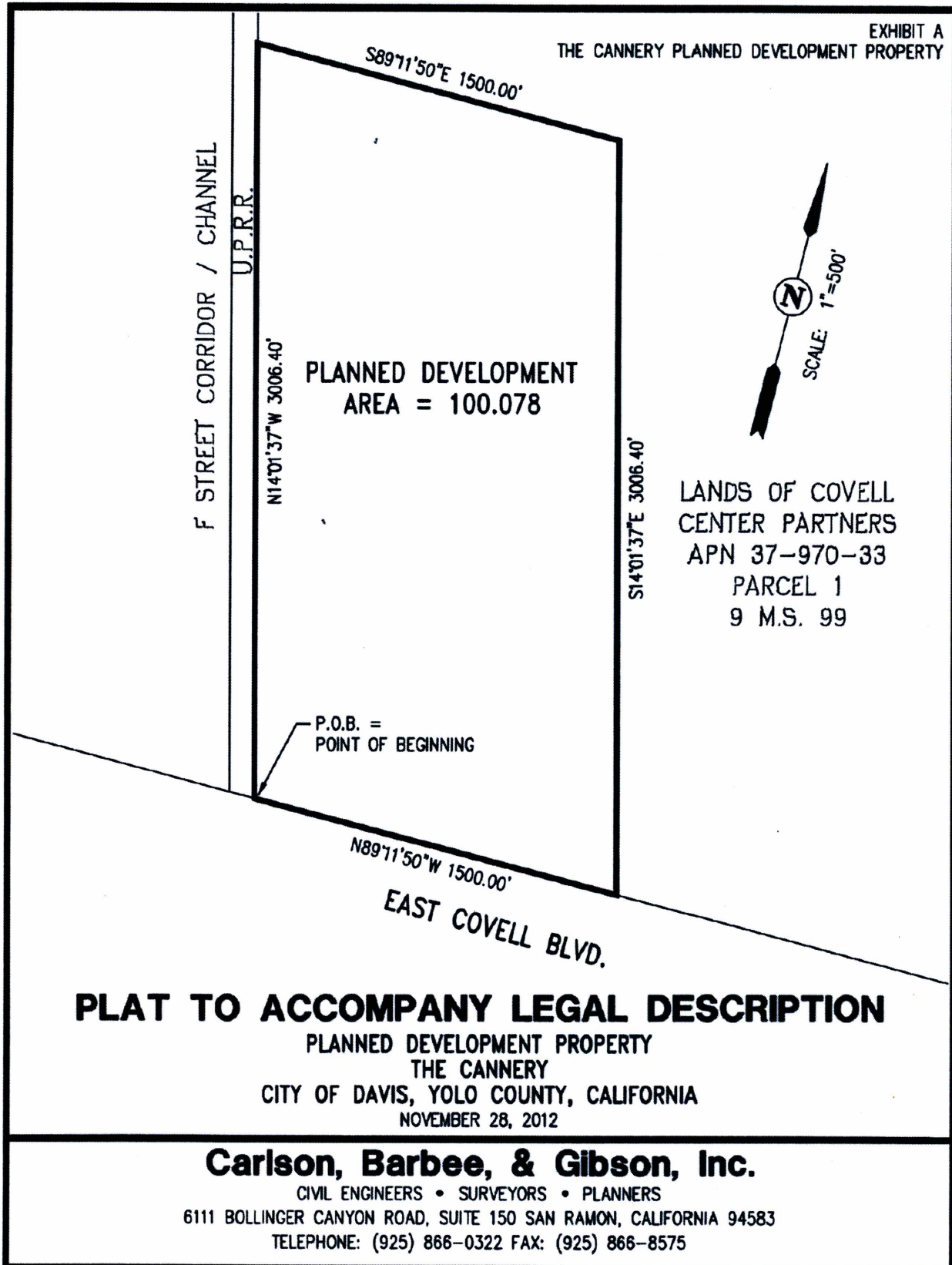


Exhibit B
Legal Description of Property

NOVEMBER 28, 2012
JOB NO.: 2090-000

**LEGAL DESCRIPTION
PLANNED DEVELOPMENT PROPERTY
DAVIS, CALIFORNIA**

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF DAVIS, COUNTY OF YOLO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING ALL OF PARCELS ONE, TWO, THREE, FOUR AND FIVE, AS SAID PARCELS ARE DESCRIBED IN THAT CERTAIN DEED RECORDED AUGUST 3, 2009, IN DOCUMENT NO. 2009-0024986 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF YOLO COUNTY, AND ALL OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED RECORDED SEPTEMBER 25, 2008, IN DOCUMENT NO. 2008-0027667 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER OF YOLO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN CORNER OF SAID PARCEL THREE (2009-0024986), SAID CORNER ALSO BEING A POINT ON THE EASTERN LINE OF THE CALIFORNIA NORTHERN RAILROAD RIGHT-OF-WAY;

THENCE, FROM SAID POINT OF BEGINNING, ALONG SAID EASTERN LINE OF THE CALIFORNIA NORTHERN RAILROAD RIGHT-OF-WAY, NORTH 14°01'37" WEST (THE BEARING OF SAID EASTERN LINE IS BEING TAKEN AS NORTH 14°01'37" WEST FOR THE PURPOSE OF MAKING THIS DESCRIPTION) 3,006.40 FEET TO THE NORTHWESTERN CORNER OF SAID PARCEL ONE (2009-0024986);

THENCE, FROM SAID NORTHWESTERN CORNER, ALONG THE NORTHERN LINE OF SAID PARCEL ONE, SOUTH 89°11'50" EAST 1,500.00 FEET TO THE NORTHEASTERN CORNER OF SAID PARCEL ONE;

THENCE, FROM SAID NORTHEASTERN CORNER, ALONG THE EASTERN LINE OF SAID PARCEL ONE AND ALONG THE EASTERN LINE OF SAID PARCEL TWO AND THREE (2009-0024986), SOUTH 14°01'37" EAST 3,006.40 FEET TO THE SOUTHEASTERN CORNER OF SAID PARCEL THREE;

THENCE, FROM SAID SOUTHEASTERN CORNER, ALONG THE SOUTHERN LINE OF SAID PARCEL THREE, NORTH 89°11'50" WEST 1,500.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 100.078 ACRES OF LAND, MORE OR LESS.



END OF DESCRIPTION

Christopher S. Harmison
CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176

Exhibit C
 The Cannery Existing and Proposed Zoning

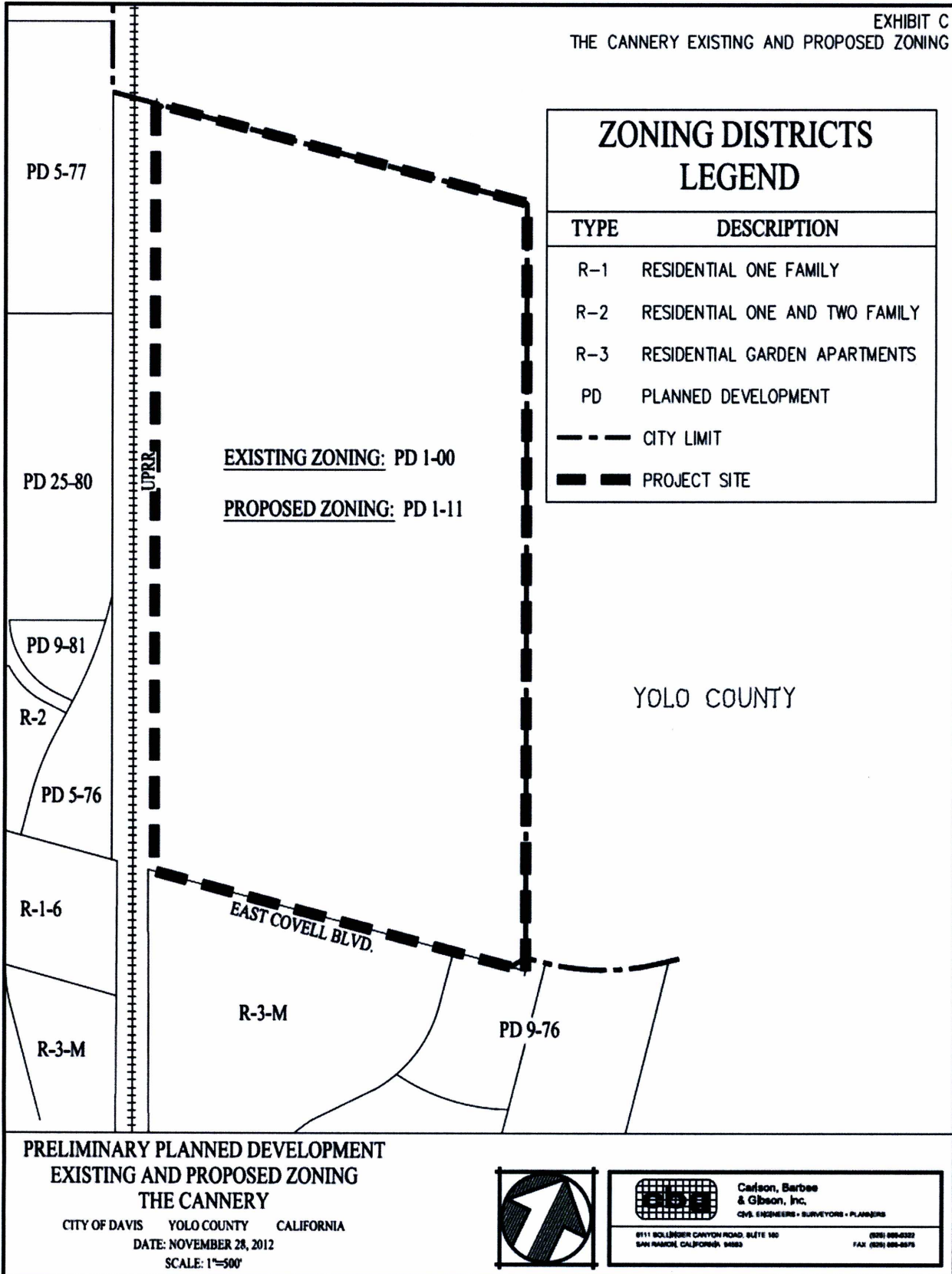
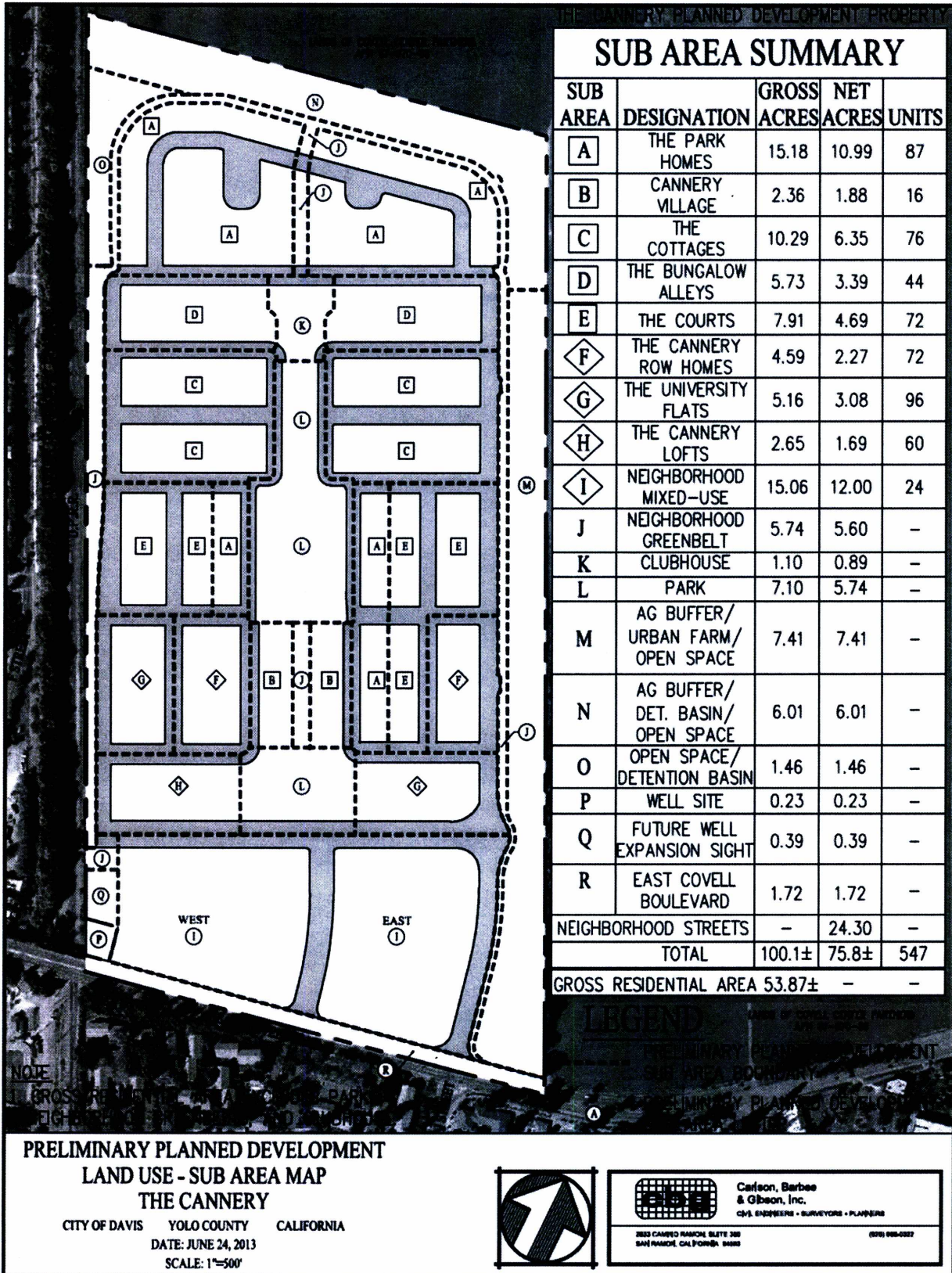
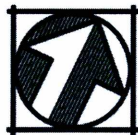


Exhibit D
The Cannery Planned Development



PRELIMINARY PLANNED DEVELOPMENT
LAND USE - SUB AREA MAP
THE CANNERY
CITY OF DAVIS YOLO COUNTY CALIFORNIA
DATE: JUNE 24, 2013
SCALE: 1"=500'



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