

ORDINANCE NO. 2517

AN ORDINANCE AMENDING CHAPTER 40 OF THE DAVIS MUNICIPAL CODE, REZONING THE PROJECT SITE, CONSISTING OF APPROXIMATELY 0.525 ACRES LOCATED AT 901-919 THIRD STREET AND 0.167 ACRES OF LEASED AREA OF ADJACENT RAILROAD RIGHT-OF-WAY, FROM MIXED-USE (M-U) TO PRELIMINARY PLANNED DEVELOPMENT (PD) #04-15 – TRACKSIDE CENTER.

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

SECTION 1. ZONING MAP CHANGE

Section 40.01.090 (zoning map) of Chapter 40 of the Davis Municipal Code (hereinafter “City of Davis Zoning Ordinance”) as amended, is hereby amended by adding the zoning designation of the parcel (APN: 070-324-002) consisting of approximately 0.525 acres and adjacent leased area consisting of approximately 0.167 acres of railroad right-of-way, shown on Exhibit A attached hereto, to Planned Development #04-15.

SECTION 2. PURPOSE

The purpose of this preliminary planned development is to implement the policies of the core area plan, provide for an increased variety and intermixture of residential and commercial activities and support the downtown as the city’s core commercial area, provide a portion of the City’s need for residential units through infill development and support a variety of housing options with one and two bedroom units, encourage a harmonious intermingling of structures, enhance the pedestrian usage and character of the district, and create a sustainable and energy-efficient community.

SECTION 3. USES

The principal permitted, accessory, and conditional uses of this district shall be consistent with Municipal Code Chapter 40.15 for the Mixed-Use (M-U) District, as amended from time to time, except as provided herein.

A. Permitted Uses.

- a) Permitted uses in the Mixed-Use (M-U) District (Municipal Code Section 40.15.030), as amended from time to time.
- b) Similar uses as determined by the Director of Community Development and Sustainability.

B. Accessory Uses.

- a) Accessory uses in the Mixed-Use (M-U) District (Municipal Code Section 40.15.040), as amended from time to time.
- b) Similar uses as determined by the Director of Community Development and Sustainability.

C. Conditional Uses.

- a) Conditional uses in the Mixed-Use (M-U) District (Municipal Code Section 40.15.050), as amended from time to time.
- b) Restaurants and food or alcohol-serving establishments in the alley-adjacent 3rd Street suite.
- c) Uses in the alley-adjacent 3rd Street suite open to the public past 9:00 p.m. from Sunday through Thursday and past 10:00 p.m. from Friday through Saturday
- d) Similar uses which the Planning Commission finds to be consistent with the purposes of this article and which will not impair the present or potential use of adjacent properties.

D. Prohibited Uses. The following uses are prohibited:

- a) Nightclubs and theaters.
- b) Restaurants and food or alcohol-serving establishments in the alley-facing suites. See conditional uses for the alley-adjacent 3rd Street suite.
- c) Uses in the alley-facing suites open to the public past 9:00 p.m. from Sunday through Thursday and past 10:00 p.m. from Friday through Saturday. See conditional uses for the alley-adjacent 3rd Street suite.

SECTION 4. GENERAL REQUIREMENTS (Development Standards)

The development standards for height, lot area, setbacks, parking, open space, lot coverage, and floor area ratio shall be specified as part of the Final Planned Development and shall be in substantial conformance with the Preliminary Planned Development. The project's Final Planned Development standards shall include calculations with and without the leased area (0.167 acres), which has historically been used by the subject property and is considered part of the project site for the proposed development. In the event that the leased area no longer becomes available for the project's use, the project shall still be considered consistent with the applicable Final Planned Development standards based on the subject property alone (0.525 acres).

For provisions not covered by this ordinance, the provisions of Chapter 40.15 (M-U) of the Davis Municipal Code as amended shall apply. Where there is a conflict between the provisions of Chapter 40.15 and this ordinance, the provisions of this ordinance shall apply.

SECTION 5. SPECIAL CONDITIONS

The preliminary planned development is subject to the following conditions:

1. Final Planned Development. The Final Planned Development, site plan, building design including the number of bedrooms shall be in substantial conformance to the conceptual plans proposed for the Preliminary Planned Development. If staff or the Planning Commission determines that the Final Planned Development standards, site plan, or building design differ substantially from those contained in this report, a modification the Preliminary Planned Development may be required.

2. Signage. Illuminated signage located along the alley is prohibited. Indirect illumination for wall signs or illuminated blade or hanging signs on the alley may be approved by the Director of Community Development and Sustainability on a case-by-case basis to ensure minimal off-site glare.
3. Railroad ROW Lease Area. In the event that the lease area is no longer available for use by the project, property owner shall notify the City and obtain any necessary City approvals to address the changes to the parking and other improvements, such as stormwater quality measures, located in the lease area. To address the parking, property owner shall pay in lieu parking fees based on the fees in effect at the time of payment for the number of parking spaces lost, provide an equivalent number of dedicated spaces at a nearby location off-site, or a combination thereof, subject to review and approval of the Community Development and Sustainability Director.

SECTION 6. FINDINGS

The City Council of the City of Davis hereby finds:

1. The proposed project will be in conformance with the General Plan and Core Area Specific Plan, as amended, which designates the site Retail with Offices and allows a mix of multi-family residential and commercial uses.
2. The proposed project, with the adoption of the proposed rezone, 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. The proposed Planned Development is intended to provide energy-efficient and location-efficient housing for residents in a downtown location convenient to services, to provide a variety of housing options and a mix of uses, and to encourage architectural variation while maintaining the mixed-use character of the area.
3. Public necessity, convenience and general welfare require the adoption of the proposed amendment, given that the project is considered an infill development, which serves the housing needs of the city and supports the downtown area as the city's core commercial area.
4. Proposed development standards ensure consistency with the Preliminary Planned Development with or without the lease area.
5. The Planning Commission held a public hearing on August 23, 2017 to receive comments and consider the rezone for recommendation and voted 4-2 to recommend that the City Council approve the rezone.
6. The City Council held a duly noticed public hearing on November 14, 2017 and based on oral testimony and documentary evidence reviewed during the public hearing, adopted the Sustainable Communities Environmental Assessment/Initial Study (SCEA/IS) prepared for this project. The SCEA/IS was prepared in accordance with CEQA requirements and

circulated for a 30-day public review and comment period. It adequately evaluated the environmental effects of the project, determined that the environmental impacts of the project would be less than significant or identified mitigation measures that would reduce potentially significant impacts to a less than significant level.


SECTION 7. EFFECTIVE DATE

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

INTRODUCED on the 14th day of November, 2017, and PASSED AND ADOPTED by the City Council of the City of Davis on this 5th day of December, 2017, by the following vote:

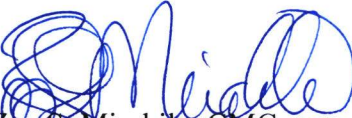
AYES: Arnold, Frerichs, Swanson, Davis

NOES: Lee



Robb Davis
Mayor

ATTEST:



Zoe S. Mirabile, CMC
City Clerk

EXHIBIT A

Trackside Center at 901-919 Third Street Rezone to PD #04-15

