

ORDINANCE NO. 2524

ORDINANCE AMENDING SECTION 40.01.090 OF CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE BY PREZONING THE NISHI PROPERTY (APN #036-170-018) LOCATED SOUTHEAST OF THE UNION PACIFIC RAILROAD (UPRR) TRACKS AND UNIVERSITY OF CALIFORNIA DAVIS CAMPUS, SOUTHWEST OF PUTAH CREEK, AND NORTH/NORTHWEST OF INTERSTATE 80 (I-80), OF APPROXIMATELY 46.9± ACRES, TO PLANNED DEVELOPMENT (PD) #6-14 UPON ANNEXATION TO THE CITY OF DAVIS AS OUTLINED IN SECTION 40.01.110 OF CHAPTER 40

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

SECTION 1. PROPERTY AREA.

The Nishi Property consists of one parcel located southeast of the UPRR and UC Davis campus, southwest of Putah Creek, and north/northwest of I-80, totaling approximately 46.9± acres generally described and referenced to as APN 036-170-018 which is 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 City of Davis Municipal Code, as amended, is hereby amended by changing the land use designation of the parcels containing approximately 46.9± acres as shown on Exhibit A, to Planned Development #6-14 (PD #6-14) for the Nishi Development Project, as shown on Exhibit C.

SECTION 3. PURPOSE OF PRELIMINARY PLANNED DEVELOPMENT AREA.

The purpose of this preliminary planned development is to:

- A. Optimize an underutilized infill location within and adjacent to the City of Davis;
- B. Contribute to the overall character and livability of the surrounding neighborhood and UC Davis by facilitating the reuse of property in a manner that enhances the visibility and aesthetic appeal of the city from Richards Boulevard, UPRR, and I-80 and that enhances circulation within the city and to UC Davis;
- C. Provide additional housing near existing mobility infrastructure (i.e., pedestrian and bicycle facilities and transit) to reduce vehicle trips, vehicle miles travelled, and parking demand;
- D. Provide housing density adjacent to the downtown area of the City of Davis and UC Davis to reduce vehicle trips, vehicle miles travelled, and parking demand within the downtown area;
- E. Provide alternative access to UC Davis to minimize congestion along Richards Boulevard at the UPRR undercrossing and at the intersection of Richards Boulevard and Olive Dr.;
- F. Minimize impacts to on-site environmental resources, including on-site vegetation, potentially historic structures along West Olive Drive, and Putah Creek; and
- G. Provide energy-efficient building design, low-water use indoor and outdoor design, and high-quality construction by incorporating national and/or local sustainable design practices.

SECTION 4. USES.

Specified uses for each Sub Area within PD #6-14, as depicted on Exhibit C, are provided in this section.

A) Sub Area A of PD-#6-14.

The subsection pertains to Sub Area A (Residential: Medium High Density Rental) as shown on Exhibit C.

1. Purpose.

The purposes of Sub Area A (Residential: Medium High Density Rental) are as follows: to implement the policies and objectives of the Nishi Project Sustainability Implementation Plan; to support high density multi-family rental housing near UC Davis and Downtown Davis; and to enhance opportunities for multi-modal connectivity and improved quality of life for local residents.

2. Permitted Uses.

The principal permitted uses within Sub Areas A shall be Residential Medium High Density Apartments. Up to 40 dwelling units per acre is allowed within this subarea. Dwelling units shall be minimum of 300' from freeway edge of payment.

3. Accessory Uses.

The accessory uses within Sub Area A shall be consistent with the accessory uses in section 40.09.040 (Accessory Uses: Residential High Density Apartment District) of the Zoning Ordinance, as amended from time to time. The permitted accessory uses within Sub Area A shall also include the following:

- a. Property management Offices, club house, and study lounges
- b. Home occupations, subject to the provisions of Section 40.26.150.
- c. Bicycle Storage and Bicycle Rental.
- d. Bicycle and Car Share Services.
- e. Farm Stand/Outdoor Market.
- f. Smaller scale ground floor retail commercial uses (e.g., less than 2,500 total gross square feet) that primarily serve the day-to-day needs of on-site residents, rather than destinations that compete with downtown Davis businesses. These uses may include the following but with no more than 10,000 sf total
 - i. Restaurants, cafes, bakeries (including indoor and outdoor seating areas), which may include sale and service of beer and wine;
 - ii. Neighborhood-serving or employee-oriented retail and service establishments (i.e., printing and copying shops, drycleaners, bicycle sales and repair, beauty salons);
 - iii. Daycare;
 - iv. Nursery school;
 - v. Health and fitness studios; and
 - vi. Other appropriate supporting uses.
- g. Outdoor Entertainment, associated with Permitted Uses.
- h. Indoor and outdoor exercise areas and gymnasiums (commercial or non-commercial).
- i. Power Generating Facilities (solar and wind).
- j. Urban Agriculture.
- k. Small family and group day care homes, subject to the requirements of Section 40.26.270.
- l. Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the requirements of Section 40.26.10.

4. Conditional Uses.

The conditional uses within Sub Area A 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.

Conditional uses in the Sub Area may also include:

 - a. Ground-floor retail commercial uses listed above exceeding 2,500 square feet but not exceeding 5,000 square feet.
 - b. Restaurants where liquor is provided.
 - c. Buildings exceeding the height limits of Section 5.

- D) Sub Area B of PD-#6-14.

This subsection pertains to Sub Area B (Surface Parking) as shown on Exhibit C.

 1. Purpose.

The purpose of Sub Area B (Surface Parking) is as follows: to provide areas where surface parking can be accommodated in coordination with solar energy production.
 2. Permitted Uses.

The principal permitted uses within Sub Areas B are as follows:

 - a. Surface Parking and/or structured parking, with a maximum of 700 vehicle parking spaces permitted for the entire Planned Development..
 - b. Power Generating Facilities (solar and wind).
 3. Accessory Uses.

The accessory uses within Sub Area B are as follows:

 - a. Outdoor Entertainment associated with Permitted Uses in other Sub Areas.
 - b. Outdoor exercise areas associated with Permitted Uses in other Sub Areas.
 - c. Temporary uses subject to the requirements of Article 40.30A.

- E) Sub Area C of PD-#6-14.

This subsection pertains to Sub Area C (Open Space, Putah Creek and Detention) as shown on Exhibit C.

 1. Purpose.

The purposes of Sub Area C (Open Space, Putah Creek and Detention) are as follows: to provide areas for low-intensity active-recreational and ancillary needs which could be compatible with residential land uses; to provide areas that serve the recreational and social interaction needs of the City residents of all ages, economic situations, and physical conditions; to accommodate the Nishi project's need for stormwater collection and detention in an environmentally sustainable manner; and to provide additional uses that are complementary to, and can exist in harmony with, the open space-recreation land use and surrounding land uses.
 2. Permitted Uses.

The principal permitted uses within Sub Area C are as follows:

 - a. Habitat Restoration.
 - b. Urban Forests and Air quality mitigation.
 - c. Urban farm and local food production

- d. Par or running course.
- e. Public parks.
- f. Stormwater collection, pre-treatment, and detention facilities.
- g. Power Generating Facilities (solar and wind).
- h. Other open space-recreational uses that the Planning Commission or the Recreation and Park Commission may determine to be similar in nature to the above uses

3. Conditional Uses.

The conditional uses within Sub Area C are as follows:

- i. Lawn bowling (public or private).
- j. Turf play fields.

4. Temporary Uses.

Temporary uses within Sub Area C are as follows:

- a. Special outdoor events.
- b. Amplified sound.

SECTION 5. HEIGHT REGULATIONS

No principal or accessory building shall exceed the maximum height identified in the following table, except as listed in the Conditional Uses section of the applicable Sub Area.

Planned Development Sub Area	Planned Development (PD) Designation	Maximum Height
A	Residential: Multi-family Rental	75 feet
B	Surface Parking	15 feet
C	Open Space Public Parks, and Stormwater Detention	15 feet

SECTION 6. PRELIMINARY PLANNED DEVELOPMENT AREAS

The estimated land use areas for the Nishi Development, along with residential unit and square footage allocations for each of the areas, are as follows and as shown on Exhibit C:

Planned Development Sub Area	Planned Development (PD) Designation	Net Acres	Units	Square Footage (Retail)
A	Residential: Multi-family Rental	25.8	700	-
B	Parking	5.5	-	10,000
C	Open Space, Putah Creek and Detention	10	-	-
	Roads	5.6	-	-
Totals		46.9	650	20,000

Actual determination of Sub Area boundaries and acreages shall be established by the Planning Commission through the Final Planned Development.

SECTION 7. 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 Nishi Development Project.

The development standards and design guidelines for development for the Nishi Development Project, 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 Sub Area. Actual determination of Sub Area boundaries and acreages shall be established by the Planning Commission through the Final Planned Development. Parking standards are anticipated to be significantly lower than those in the City of Davis Municipal Code, consistent with the provisions of the Sustainability Implementation Plan.

SECTION 8. CONFLICTS

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 9. 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 Nishi Gateway Project Environmental Impact Report (EIR) and project Addendum

SECTION 10. SPECIAL CONDITIONS

This preliminary planned development is subject to the following development obligations:

1. Compliance with the Baseline Project Features for the Nishi Property established in Resolution No. 18-023 approved February 6, 2018.
2. This Rezoning and Preliminary Planned Development is contingent upon voter approval of the General Plan Amendment for the Nishi Property pursuant to Chapter 41 of the Davis Municipal Code, the Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance.

SECTION 11. 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 Nishi Development Project Planned Development is in conformity with the intent of the Planned Development District of the Zoning Chapter (Article 40.22).
 3. The Nishi Development Project 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 and sustainable 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 pre-zoning set forth in Section 1.
- C) The City Council further finds that it has reviewed and considered the Nishi Gateway Project

Environmental Impact Report (EIR) and project Addendum and has determined that the document adequately addresses the environmental effects of the zoning/preliminary planned development.


SECTION 12. CONTINGENCIES AND EFFECTIVE DATE.

The ordinance shall become effective only upon approval of General Plan Amendment #8-14 and ratification by the voters pursuant to Chapter 41 of the Davis Municipal Code, the Citizens' Right to Vote on Future Use of Open Space and Agricultural Lands Ordinance.

INTRODUCED on the 6th day of February, 2018, and PASSED AND ADOPTED by the City Council of the City of Davis on this 20th day of February, 2018, by the following vote:

AYES: Arnold, Frerichs, Lee, Swanson, Davis

NOES: None



Robb Davis
Mayor

ATTEST:



Zoe S. Mirabile, CMC
City Clerk

Exhibit A

Prezoning and Preliminary Planned Development for "Nishi" Property Property to be Prezoned

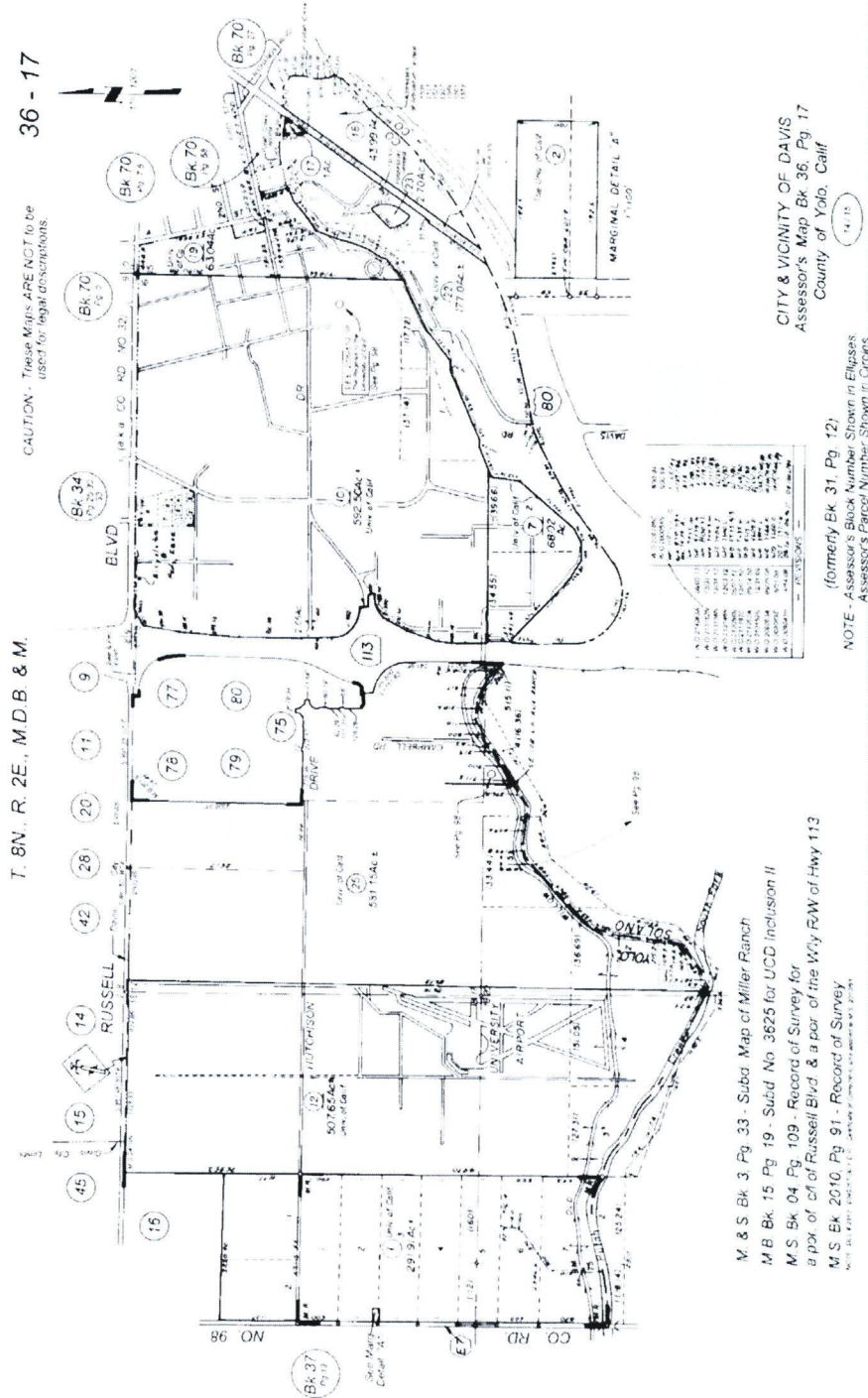


Exhibit B
Prezoning and Preliminary Planned Development for "Nishi" Property
Legal Description

The land referred to in this agreement is situated in the unincorporated area of the County of Yolo, State of California, and is described as follows:

PARCEL ONE:

All that certain piece of Parcel of land formerly situate in the County of Solano, State of California, and known as a portion of the "Briggs Vineyard" the Map of which was filed May 27, 1980 in Book 1 of Maps, at Page 65 and bounded on the East Bay by the North and South center line of Sections 15 and 22, T. 8N., R. 2E., M.D.B. & M. bounded on the South and West by lands formerly of H. Hamel (more recently owned by Lester J. Hamel, et al and described in decree recorded May 29, 1944 in Book 316 of Solano County Official Records at Page 361, Instrument No. 4442) and bounded on the North by the Southeasterly line of the right of way of the Southern Pacific Railroad Company, being a portion of Section 15 and 22 of T. 8N., R. 2E., M.D.B. & M.

EXCEPTING THEREFROM that portion lying within the Parcel of land described in the Deed from Ellis Nishi, et ai, to the State of California , dated December 18, 1959, recorded February 19, 1960 in Book 1015 of Solano County Official Records at Page 379, Instrument No. 3306.

ALSO EXCEPTING THEREFROM the Parcel of land described in the Deed from Dick Nishi, et ai, to the State of California , dated March 4, 1971, recorded July 16, 1971 in Book 1696 of Solano County Official Records at Page 213, Instrument No. 14144.

ALSO EXCEPTING any portion within Solano County.

PARCEL TWO:

Beginning at the Southwest corner of that certain parcel of land conveyed to the State of California by Deed recorded February 19, 1960 in Book 1015 of Official Records at Page 379, Instrument No. 3306, Solano County Records ; thence (1) along said Southeasterly line of the Southern Pacific Railroad right of way N. 34° 49' 32" E., 679.16 feet; thence (2) N. 74° 33' 11" E, 443.82 feet; thence (3) from a tangent that bears N. 74° 33' 06" E , along a curve concave to the Northwest having a radius of 2,896.72 feet through an angle of 9° 53' 30", an arc distance of 500.10 feet, thence (4) from a tangent that bears N. 57° 13' 53" E , along a curve concave to the Northwest having a radius of 4,380 feet through an angle of 5° 57' 07", an arc distance of 456.00 feet to the North South one quarter section line of said Section 15; thence (5) S. 40° 55' 58" W., 680.38 feet; thence (6) from a tangent that bears S. 43° 18' 11" W., along a curve concave to the Northwest having a radius of 5,500 feet through an angle of 2° 45' 17", an arc distance of 264.43 feet; thence (7) from a tangent bearing S. 60° 09' 30" W., along a curve concave to the Northwest having a radius of 5,000 feet through an angle of 10° 01' 24", an arc distance of 874.7 feet; thence (8) S. 78° 28' 11" W., 233.11 feet to the point of beginning.

PARCEL THREE:

A portion of the Southwest quarter of Section 15 and of the Northwest quarter of Section 22, both in T. 8N., R. 2E., M.D.M., more particularly described as follows :

Beginning at the Southwest corner of that certain parcel of land conveyed to the State of California by deed recorded February 19, 1960 in Book 1015 of Official Records at Page 379, Instrument No. 3306, Solano County Records ; thence (1) S. 0° 30' OS" W., 364.88 feet; thence (2) from a tangent that bears S. 59° 29' 28" W., along a curve concave to the Northwest having a radius of 5,500 feet, through an angle of 4° 43' 06", an arc distance of 452.93 feet to said Southeasterly line of the Southern Pacific Railroad; thence (3) along last said line N. 34° 49' 32" E, 704.72 feet to the point of beginning .

EXCEPTING THEREFROM all oil, oil rights , minerals, mineral rights , natural gas, natural gas rights , and other hydrocarbons by whatsoever name known that may be within or under the above described Parcel of land, together with the perpetual right of drilling , mining, exploring and operating therefore and removing the same from said land, including the right to whipstock or directionally drill and mine from said lands other than those hereinabove described, oil or gas wells, tunnels and shafts into, through and across the subsurface of the land hereinabove described and to

bottom such whipstock or directionally drilled wells, tunnels and shafts under and beneath or beyond the exterior limits thereof, and to redrill, retunnel, equip, maintain, repair, deepen and operate any such wells or mines, without, however, the right to drill, mine, explore and operate through the surface of the upper 100 feet of the subsurface of the land hereinabove described or otherwise in such manner as to endanger the safety of any highway that may be constructed on said lands, as granted in the deed from the State of California, to Lester J. Hamel, et ux, dated August 28, 1972, recorded September 12, 1972 in Book 1775 of Official Records at Page 537, Instrument No. 21033, Solano County Records.

PARCEL FOUR:

Beginning at a point which is North 0° 20' East, 53.9 chains from the Southeast corner of a tract of land formerly known as the George G. Briggs Orchard and Vineyard, a map of which is on file, and which said Southeast corner is described on said map as being the Southeast corner of the Northwest quarter of Section 22, in T. 8N., R. 2E, M.D.M., said point of beginning is also North 0° 20' East 21.78 chains from the Southeast corner of land of G. W. Schlichten; thence North 88° 40' East, 12.65 chains to an iron stake at fence; thence to and along picket fence on East side of house enclosure North 0° 24' East, 17.19 chains to the middle of the channel of Putah Creek; thence up same in a Westerly and Northerly direction about 23 chains; thence along the boundary between land of Hamel and the land of Schlichten South 0° 20' West, 31.03 chains to the place of beginning.

EXCEPTING THEREFROM all that portion thereof lying Southeasterly and Southerly of the Northwesterly line of the parcel of land described in the Deed from Lester J. Hamel, et ux, to State of California, dated January 11, 1960, recorded April 1, 1960 in Book 1021 of Official Records at Page 542, Instrument No. 6426, Solano County Records.

ALSO EXCEPTING THEREFROM all of Lot 9, in the Northeast one-quarter of Section 15, T. 8N., R. 2E., M.D.B. & M., according to the Official Plat thereof.

PARCEL FIVE:

All of Lot 9, in the Northeast one-quarter of Section 15, T. 8N., R. 2E., M.D.B. & M., according to the Official Plat thereof.

EXCEPTING FROM THE PARCELS DESCRIBED ABOVE THE FOLLOWING:

BEGINNING at the most southwesterly corner of Parcel 2 of a Record of Survey as said map is filed for record in the Office of the County Recorder of Yolo County in Book 8 of Maps and Surveys at Page 103, said point being on the southeasterly right-of-way of SPRR: thence from said point of beginning, along the southerly line of said Parcel 2, S. 78°13'00" E., 314.75 feet; thence leaving said Parcel 2 the following nine (9) courses along the creekbed of the Putah Creek; 1) S. 55° 45' 56" E., 99.14 feet; 2) S. 39°48'40" E., 61.38 feet; 3) S. 01'32'00" E, 97.09 feet; 4) S. 05°55'00" W., 100.60 feet; 5) S. 10°46'00" W., 152.89 feet; 6) S. 00°13' 00" W., 49.99 feet; 7) S. 11°07'10" E., 50.87 feet; 8) S. 03°13'30" E., 100.10 feet; and 9) S. 20°40'10" E, 53.26 feet; thence leaving said creekbed of Utah Creek and along the westerly side of the proposed acquisition the following 7 courses: 1) N. 45°04'24" W., 76.60 feet; 2) along a curve to the right with a radius of 234.25 feet, a central angle of 49°13'11", an an arc length of 201.23 feet; 3) N. 04°08'47" E 305.46 feet; 4) along a curve to the left with a radius of 93.83 feet, a central angle of 98°35'38" and an arc length of 161.46 feet; 5) S. 85°33'09" W. 77.11 feet; 6) N. 82°05'35" W., 84.90 feet; 7) N. 87°32'46" W., 140.69 feet to a point on the easterly right-of-way of SPRR: thence along said easterly right-of-way N. 34°22'30" E., 133.99 feet to the point of beginning.

APN: 036-170-18

Exhibit C Prezoning and Preliminary Planned Development for "Nishi" Property Zoning Map

