

Meeting Date: _____

Staff Report

April 17, 2003

TO: City Council

FROM: Bill Emlen, Planning Director
Katherine Hess, Planning and Redevelopment Administrator

SUBJECT: PA #90-02 - University Mall Change in Retail Uses

Summary Recommendation

Staff recommends the City Council:

1. Hold a public hearing; and
2. Approve:
 - A. Negative Declaration #18-02;
 - B. General Plan Text and Map Amendment #7-02B to create a new "Community Retail" designation and to re-designate the University Mall area from "Neighborhood Retail" to "Community Retail;" *Please note that the attached resolution states the Council's intent to amend the General Plan. The resolution later on this agenda incorporates the General Plan Amendment for this application and for the Historic City Hall.*
 - C. Conditional Use Permit #20-02 to allow a general merchandise store of 20,00 square feet within the shopping center;
 - D. Minor Modification #10-02 to allow an increase in the department store space from 36,000 square feet to 39,000 square feet; and
 - E. Design Review #40-02 for changes to the façade of the main University Mall building.

Recommended findings and conditions are attached to this report.

Summary of Significant Issues

1. Should the General Plan be amended to allow for a Community Retail designation?
2. Is the University Mall an appropriate location for community-serving retail and this general merchandise store?
3. Will approving these applications deprive neighborhood residents of needed grocery shopping opportunities?

Staff has not identified any significant issues with the proposed increase in the department store size or the exterior changes to the building.

Fiscal Impact

The proposed General Merchandise store is likely to generate a significant increase in sales taxes for the City of Davis General Fund through capturing some of the sales tax leakage currently in existence in the community. The small increase in the size of the department store may also contribute to increased sales tax. The project is not anticipated to result in any measurable change in demand for City services.

Project Data

**Applicant and
Property Owner**

Dave Geiser for M&H Realty Partners
353 Sacramento Street 21st Floor
San Francisco CA 94111

Location

871 Russell Boulevard, University Mall
*The General Plan Amendment would also affect 705 and 655
Russell Boulevard (Arco and Rite Aid parcels)*

General Plan Designation

**Existing
Proposed**

Neighborhood Retail
Community Retail

Zoning

Planned Development #2-97 (University Mall and Arco parcels)
Planned Development #12-78 (Rite Aid parcel)

Parcel Size

8.25 acres (University Mall)
0.96 acres (Arco)
1.02 acres (Rite Aid)

Adjacent Zoning and Land Uses

North: R-3-M and R-1-6, Residential multi-family and single family
East: R-2, R-R and R-1-6, Residential single family and institutions
South: Yolo County, UCD student dormitories and apartments
West: R-H-D and R-3-M, Residential multi-family

Environmental Determination

The Initial Study prepared for the applications concludes that there are no significant environmental effects. No mitigation measures are required. Negative Declaration # 18-02 is proposed for adoption.

Public Outreach

A neighborhood meeting was held on March 6, 2006. Notice was mailed to property owners and single-family residents in the area surrounded by West Eighth Street, Wakeforest Drive, and South Campus Way/Oeste Drive. Notes of the neighborhood meeting are included as Attachment 11. Substantive neighborhood comments are included in the discussion of policy issues later in this report.

Prior to this meeting, a public hearing notice was published in the Enterprise, posted on the site, and mailed to the same neighborhood, plus those outside the area who had attended the neighborhood meeting. Two letters have been received, one in support of and one opposed to the applications (Attachment 14).

On Monday, March 24, the City's Business and Economic Development Commission reviewed the proposed project. The Commission discussed the merits and disadvantages of the proposal, including the issue of food stores, and voted to recommend approval of the applications.

On April 9, the DDBA Board considered the applications and the Cost Plus proposal. The Board two motions:

1. To support Cost Plus at the University Mall location. (unanimous)
2. To support the concept of not amending the neighborhood commercial designation but rather creating a new designation to support this use (these uses) at University Mall. (unanimous)

Previous Planning Actions

March 1965	Building permits issued for construction of the shopping mall.
November 1970	CUP issued for 20,000 square foot department store (Lawrence's).
January 1984	City Council approved west wing addition to the mall.
March 1998	City Council approved Planned Development #2-97 for University Mall and the Arco parcel to reflect a Neighborhood Commercial base zone, but allow for a wider range of uses, including retail up to 30,000 square feet.
May 1999	City Council approved amendments to PD #2-97 to allow certain retail uses up to 36,000 square feet.

Background and Analysis

The University Mall center, on Russell Boulevard between Sycamore Lane and Anderson Road, has provided a range of community-serving uses since its development. During the 1970s, it contained a department store; this use was restored in 1999 when Gottschalks opened in the remodeled center.

The center has also contained a food store and a drug store to meet the convenience shopping needs of the immediate neighborhood. Safeway was originally in the center; that space was occupied by State Markets Harvest when Safeway relocated to South Davis. Payless/Thrifty were in the center but moved across the street (now Rite Aid). State Markets Harvest has now

closed, and the owner of University Mall is proposing to lease to a general merchandise retailer (Cost Plus World Market) instead of another grocery tenant.

The General Plan designation for University Mall (plus the adjacent sites occupied by the Arco station and Rite-Aid) is Neighborhood Retail. General Plan policy LU D.2 states that “All neighborhood shopping centers shall contain neighborhood grocery stores / supermarkets.” Neighborhood Retail is also the General Plan designation for every other shopping center with a grocery store or grocery store space.

Planning Commission Hearing

On April 1, 2003, the Planning Commission held a public hearing on the applications. Comments made by members of the public were mixed, with speakers both supporting and opposing the change in food store requirement. Commenters noted the benefit of increased retail opportunities in Davis, and the impact on the neighborhood through lost of convenient grocery shopping.

The Planning Commission unanimously recommended approval of the applications.

Commissioners made the following observations in the action:

- State Market had been a part of the community for many years, and its loss is mourned.
- Cost Plus would provide increased retail opportunities and help keep shoppers in Davis
- Adding a general merchandise store should help Gottschalks, which is the City’s only department store.
- The proposed façade changes are attractive and would improve the appearance of the center.

The Planning Commission recommended two changes to the General Plan Amendment resolution. These changes have been incorporated in the General Plan Amendment resolution recommended for adoption. The first change, to state that Community Retail “may include some neighborhood-serving retail uses such as a food store” is supported by staff. The second change, to limit the Community Retail designation to “existing retail clusters” may be overly restrictive, but could be amended in the future should the City Council wish to apply this designation to a location such as the Pacific Gas and Electric corporation yard at Fifth and L Streets.

Should the General Plan be amended to allow for a Community Retail designation?

The November 1999 draft General Plan update included a “Community Retail” designation, which would be applicable to only the “Community Expansion” General Plan alternative. This alternative was not selected when the General Plan was adopted in May 2001, and the designation was not included in the General Plan text.

The adopted General Plan attempts to strike a balance between addressing community retail needs and protecting the downtown and neighborhood centers. Applicable policies include:

Land Use Map Principle 18 *Focus community-serving retail shopping uses in the Core Area and to a limited extent in areas designated Neighborhood Retail*

and General Commercial. General Commercial areas are intended to provide for primarily commercial service uses and may allow moderate size community retail stores subject to discretionary review. A moderate-sized community retail store (up to 30,000 square feet) located in the General Commercial land use designation (that is, not in the downtown or an existing neighborhood retail cluster) must be a "stand alone" retail use and not part of a retail cluster. ...

It is the intent of this General Plan to prevent major concentrations of retail uses that would compete with the downtown and neighborhood centers. To implement this intent, prohibit new designations or rezonings for retail shopping centers outside of the downtown or neighborhood centers (a pattern commonly found in other suburban and urban edge cities) because such planning is considered inconsistent with desired goals related to community character, downtown primacy, alternate transportation (including pedestrians, bicycle and public transit) and the stability of existing and planned retail areas.

Policy ED 3.2 action 1 *Continue to implement an attraction program aimed at targeted retail stores and other businesses.*

Moderate-size community retail is conditionally permitted within areas designated for General Commercial use. Uses are limited to 30,000 square feet.

Staff does not wish to re-open the question of community expansion in order to provide additional retail in Davis. However, staff does believe that selected moderate-size retail uses may be appropriate in areas other than existing neighborhood centers and the downtown. Although no applications have been submitted, there is continuing exploration of the possibility of constructing retail uses at the PG&E corporation yard or farther east along Second Street.

The recommended addition to the text for the "Community Retail" designation (Attachment 1) reflects the City's goal of allowing limited retail use that will not impair the existing neighborhood centers or the downtown. The intention is to provide goods that are not conveniently available elsewhere in Davis. Performance standards for community retail uses generally parallel those already described in the "General Commercial" designation, except that there is a maximum store size of 50,000 square feet.

In addition to the policy decision of whether to support a "Community Retail" designation, the Commission may also wish to consider whether provision for mixed residential uses should be accommodated. The "Neighborhood Retail," "Office," and "Business Park" designations conditionally allow residential uses and grant a Floor Area Ratio bonus for mixed-use developments. The recommended General Plan language for creating the "Community Retail" designation includes a similar provision. Residential uses are permitted above the ground floor in the University Mall Planned Development.

Is the University Mall an appropriate location for community-serving retail, and this general merchandise store?

The University Mall area has historically included department stores and other community-serving retail. The community-serving uses have existed compatibly with the neighborhood-serving uses and the surrounding residential neighborhoods. The location advantages not common to other neighborhood centers – it is located on a major arterial (Russell Boulevard) with direct access to a minor arterial (Anderson Road). Highway 113 is less than a half-mile of the center. The community has generally accepted the Gottschalks store as an alternative for family clothing and shoes, cosmetics, and housewares.

Designating the center as “Community Retail” would allow occupancy by a 20,000 square-foot General Merchandise retailer in the center, rather than the required food store. Discussion of neighborhood impact of the loss of the food store is contained in the next section. Were this new space, or replacement of a different use, staff would be very comfortable about the addition of this use to the center. The general merchandise retailer (Cost Plus World Market) would provide the community with products that are available here in limited quantities and prices, if at all. These include wooden and upholstered furniture, garden and home décor, imported foods and wines, stemware and dinnerware, and seasonal items.

As an alternative to creating the new “Community Retail” designation, the University Mall site could be re-designated as “General Commercial.” This designation could potentially accommodate the general merchandise store now being proposed. However, the University Mall would not meet some of the performance criteria currently established for moderate-sized retail: the Gottschalks store exceeds the 30,000 square feet limitation, and the department store and the general merchandise store are not “stand-alone” retail uses as envisioned by Principle 18. In addition, the “General Commercial” designation is primarily intended to provide locations for auto sales and repair, building materials, storage, and other uses less appropriate where residential uses are in close proximity.

Comments at the neighborhood meeting were generally positive about the addition of Cost Plus to the center. Some neighbors did express concern about the loss of the grocery store, which will be discussed further in the next section.

Allowing the general merchandise store to exceed the 17,000 square foot threshold in the Planned Development zoning requires approval of a Conditional Use Permit. The City must determine that the use is desirable to meet community retail needs, that the store will generally offer categories of merchandise otherwise underrepresented in the City based on the best available economic data, and that the size is consistent with the goals and policies of the General Plan. Assuming City Council approval of the recommended General Plan Amendment, staff has concluded that these findings can be made.

The City's Economic Development program notes that Davis has approximately 93 percent sales tax leakage in the furniture category. In other words, only 7 percent of the expected home furniture and appliance sales (based upon population) occur within the city limits. The estimated sales tax leakage is 73 percent in the "general merchandise" category. The proposed store would clearly offer categories of merchandise that are not sufficiently represented in sales elsewhere in the community. The Davis Downtown Business Association is aware of the application and is not expected to take a position on whether it should be approved.

The recommended General Plan Amendment would affect all three parcels currently designated as "Neighborhood Commercial: at Russell and Anderson. This includes the Arco parcel and the Rite Aid site. The General Plan Amendment would not affect the zoning or allowed uses for the other two parcels.

Will removal of the food store requirement be a hardship for the surrounding neighborhood?

Under the current General Plan designation of "Neighborhood Retail," a food store is required. Safeway and/or State Market have been at University Mall, or across the street, since construction of the center. The center is surrounded by primarily residential uses, both within the City limits and across Russell Boulevard on the University of California, Davis campus.

The 2001 General Plan assumed that every location occupied by a grocery store would continue to have a food store. All such centers (except for the Coop center on G Street, which is designated Service Commercial) have a "Neighborhood Retail" designation. All of these centers are also identified as potential Neighborhood Commercial Transit Centers and the central activity node for transit stops, neighborhood commercial uses and activity centers.

Unlike other neighborhood centers like El Macero Center, Oak Tree Plaza, and Westlake Center, the University Mall is within close proximity to neighborhood centers with larger food stores. Both Safeway (Marketplace) and Albertsons (Lucky Plaza) are within one mile of University Mall, on Covell Boulevard. The semi-weekly Farmer's Market is approximately three-quarters of a mile away, in Central Park.

M&H Properties has provided information on its efforts to market the space to a grocery tenant (Attachment 13). The responses to their inquiries led them to negotiations with Cost Plus World Market for lease of the space.

With the closure of State Markets Harvest, a full service food store is no longer available in close proximity to neighbors in the University Mall area. There are some stores offering food products in the neighborhood, but options are limited. The Arco mini-mart carries snack foods, beverages including milk, limited frozen dinners, eggs, and prepared sandwiches, burritos, hot dogs, and coffee. The Rite-Aid has a wider range of groceries, including canned soup, tuna and beans; spices and herbs; dish soap and laundry detergent; breakfast cereal; butter, milk, and eggs; and paper products. If approved Cost Plus would be expected to carry pasta, spices, condiments,

sweets, snacks, and beverages (including wine). The nearest produce is on Covell Boulevard or at the Farmers Market.

The loss of the food store was an explicit topic of discussion at the neighborhood meeting. Some participants noted that they shopped solely at State Market and would need to shift their shopping patterns as the store closed. A few neighbors relied on having a store within walking distance and were distressed at the prospect of needing to arrange transportation to another grocery. Other neighbors noted that they generally shopped at other stores and used State only for convenience shopping.

The concept of convenient grocery shopping has been strong in Davis's planning history. The Zoning Ordinance definition of "neighborhood" is based upon proximity to a food store. However, there are other areas of town that are similar distances to grocery stores and the General Plan would likely discourage addition of new stores to meet the shopping needs of these neighborhoods. The General Plan includes cautionary language about the retail site in Mace Ranch, calling for the City to "Consider neighborhood grocery store/supermarket supply and demand within the City as part of discretionary reviews of new neighborhood grocery stores/supermarkets and expansions of such stores/supermarkets, within the limits of development agreements."

One question that has arisen is whether sufficient other alternatives have been explored for the provision of groceries in this area. Staff is not optimistic that the product lines at the am/pm or Rite Aid could be significantly modified to include produce or similar foodstuffs. The City's Economic Development Coordinator has had conversations with representatives from Trader Joe's about expanding into Davis. The representative stated that the company is aware of Davis, but does not have plans open a store here within the next few years. Factors that influence the desirability of a market for Trader Joe's include overall population, density, and the existing grocery market. As an alternative, there may be potential to work with the owners of University Mall to provide space for farmers providing "consumer supported agriculture" services for weekly direct-to-consumer deliveries. This option would need to be evaluated for impacts on both the center and the Farmer's Market.

In this particular instance, staff does not believe that removing the food store requirement will result in a neighborhood's being unreasonably deprived of grocery shopping opportunities. There are supermarkets on Covell Boulevard approximately one mile from University Mall. Both Unitrans (M-F) and YoloBus (7 days) provide service from University Mall to these stores. The Farmer's Market is less than a mile away, and there remains limited convenience shopping at Russell and Anderson. Cost Plus will also have some foodstuffs, although there will be no produce in the immediate neighborhood.

Department Store Expansion and Façade Changes

The requested General Plan Amendment and Conditional Use Permit would remove the food store requirement and allow the general merchandise store to exceed the otherwise-applicable limit of 17,000 square feet. There are also two lesser components to the application package: an increase in the department store, and changes to the elevation of the main store building.

The Gottschalks department store is currently 36,000 square feet. This is the maximum allowed with a use permit under the Planned Development zoning for the center. The proposed direct entrance to the market space would allow the western interior hallway to be incorporated into the department store space. The Zoning Ordinance allows an increase in the otherwise allowable building size by up to ten percent through approval of a Minor Modification. The City must determine that the project is not inconsistent with the General Plan and zoning, and will not adversely affect the health, safety, or welfare of persons in the vicinity. Staff has not identified any concerns with the Minor Modification and recommends it be approved. Specific findings are included in Attachment 2.

M&H is also proposing exterior changes to the eastern end of the mall. These include removing the existing trellis and adding an exterior doorway to the market space, cornice detail crowning the south-facing wall, awnings, and landscaping. The only change to the parking lot area is the replacement of one set of substandard bicycle racks with an approved model. The color and design of the improvements complement the remainder of the center. The addition of trees along the south façade will improve both pedestrian comfort and the energy-efficiency of the center.

Conclusion

Staff and several advisory commissions/committees have concluded that the proposed general merchandise store is a good fit for the community and for the University Mall shopping center. The store should help to address some of the sales tax leakage that has been demonstrated for many years. The proposed changes to the facade and to the department store space should enhance the appearance and function of the center. Creating the "Community Retail" designation appears to address community needs for additional shopping opportunities while limiting the potential for adverse impacts on the community.

Removing the food store requirement will require a change in shopping patterns for some residents of the neighborhood. However, grocery shopping continues to be available within a mile of the center, and public transportation is available throughout the week.

Attachments

1. Resolution of Intent to Amend the General Plan
2. Findings and Conditions for Conditional Use Permit, Minor Modification, and Design Review approvals
3. Initial Study and Negative Declaration
4. Location Map
5. Site Plan (University Mall)
6. Existing Planned Development #2-97 (University Mall and Arco parcels)
7. Existing Planned Development #12-78 (Rite-Aid parcel)
8. General Plan policies on Neighborhood Retail, including maps of neighborhood centers
9. Neighborhood meeting noticing map
10. Neighborhood meeting roster
11. Neighborhood meeting summary notes
12. Sales Tax leakage information
13. Information from M&H on food store recruitment
14. Correspondence

**Planning Application #90-02
University Mall Change in Retail Use
Findings and Conditions
April 1, 2003**

**Conditional Use Permit #20-02
(Increase in size of general merchandise store from 17,000 to 20,000
square feet)**

Findings for Approval

1. The proposed structure or use conforms to the requirements and intent of this chapter and the city master plan, in that, under the proposed amendment, the University Mall center is designated for community retail uses and the proposed general merchandise store is one that would serve the overall population of Davis, not just the immediate neighborhood.
2. Any additional conditions and requirements stipulated by the planning commission or city council have been or will be met,
3. The use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the public welfare of the community.
4. Planned Development #2-97 for University Mall allows retail stores not exceeding 17,000 square feet as principal permitted uses and retail stores not exceeding 30,000 square feet as conditionally permitted uses.
5. The size of the store is desirable to meet community needs, in that Davis has an estimated 93 percent sales tax leakage in home furnishings and appliances and an estimated 73 percent leakage in the area of general merchandise.
6. The store will generally offer categories of merchandise otherwise underrepresented in the city based upon the best available economic data, including furniture, general merchandise, housewares, and gifts.
7. The size is consistent with the goals and policies of the General Plan, in that the change in designation to Community Commercial will allow retail stores of up to 50,000 square feet in centers that are oriented to the community, of a unified design, and retaining the overall City goal of maintaining the vitality of the downtown and neighborhood centers.

Conditions

1. This Conditional Use Permit #20-02 is to allow a general merchandise store selling furniture, foodstuffs, and wine, up to 20,000 square feet at 871 Russell Boulevard, in the southwest corner of the main building at University Mall.
2. Merchandising shall be conducted wholly within the completely enclosed building. No external storage of carts external display of products is permitted.
3. This project is contingent upon the approval of General Plan Amendment #7-02B to allow the space to be occupied by a use other than a food store.

4. The approval period for this Conditional Use Permit shall become null and void after a period of 18 months if either the use permit has not been used or if substantial construction in good faith reliance on the approval has commenced subsequent to such approval. The Planning Director may extend the expiration date for one or more periods not exceeding a total of 18 months upon a showing that the circumstances and conditions upon which the approval was based have not changed. Requests for time extension must be accompanied by a formal application, all required exhibits and plans, and related application fees.
5. The applicant shall defend, indemnify, and hold harmless the City of Davis, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Davis concerning this approval, including but not limited to any approval of condition of approval of the City Council, Planning Commission or Planning Director. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees and agents in the defense of the matter.

Minor Modification #10-92

(Increase in the size of the department store from 36,000 square feet to 39,000 square feet)

Findings for Approval

1. That completion of the project as proposed is not inconsistent with the objectives of the general plan and intent of the zoning regulations.
2. That the minor modification will not adversely affect the health, safety or general welfare of persons residing or working on the site or in the vicinity.
3. That the proposed project is consistent with the requirements of the Uniform Building Code.
4. That Section 40.27.080(b)(3) allows a modification of up to ten percent of the otherwise allowable structure size. For the University Mall Planned Development, the maximum size of a non-food, non-drug retailer is 36,000 square feet. Therefore, the proposed request to allow the department store to increase from 36,000 square feet to 39,000 square feet would be allowed by this minor modification.

Conditions

1. Any necessary building permits shall be secured prior to the beginning of construction.

Design Review Application #40-02 (Façade and Landscaping Changes, 871 Russell Boulevard)

Findings for Approval

1. The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, and is consistent with any adopted design guidelines for the district within which the project is located;
2. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community;
3. The architectural design of the proposed project is compatible with the existing properties and anticipated future developments within the neighborhood in terms of such elements as height, mass, scale, and proportion;
4. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation; and
5. The location, climate, and environmental conditions of the site are adequately considered in determining the use of appropriate construction materials and methods. Sufficient conditions are included with the approval to ensure the long-term maintenance of the project.

Conditions

1. This approval is for façade and landscaping changes to the southwest corner of the main building at University Mall, 871 Russell Boulevard.
2. The project shall be implemented in substantial conformance to the plans presented to the Planning Commission on April 1, 2003, except as modified herein. Prior to issuance of Certificate of Occupancy, all conditions of approval and required improvements shall be completed to the satisfaction of the Planning and Building Director.

Building

3. Revised plans and building elevations incorporating all conditions of approval for this project shall be coordinated and submitted to the Planning and Building Department in accordance with plan check requirements. All plans including site, grading, landscape, irrigation, mechanical and street improvement plans shall be coordinated for consistency prior to issuance of any permits (such as grading, encroachment, building, etc...). .
4. Any changes to the size, colors, construction materials, design or location of any structure on site, or other site or landscape improvements shall not be made without prior City approval. For the purposes of this approval, the following elements shall be considered to be significant and may not be changed without explicit approval through a design review process:
 - a. Addition of a cornice on the southern elevation of the building;
 - b. Construction of an entry doorway facing the parking lot;
 - c. Landscaping, including trees, along the southern elevation of the building;
 - d. Awnings over the recessed entry doors.

- e. Replacement of the existing Park-rite bicycle racks on the central walkway with approved model racks of the same capacity.
5. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be shielded from view and the sound buffered from adjacent properties and streets. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Planning and Building Director prior to the issuance of building permits.

Landscaping

6. Detailed landscape and irrigation plans shall be submitted and approved by the Planning and Building Department prior to the issuance of building permits. Landscape plans shall specify the following:
 - a. Location, size and quantity of all plant materials;
 - b. A plant legend specifying species type (botanical and common names) container size, maximum growth habit, and quantity of all plant materials.
 - c. Location of all pavements, fencing, buildings, accessory structures, parking lot light poles, property lines, and other pertinent site plan features;
 - d. Planting and installation details and notes including soil amendments;
 - e. Existing trees on site shall be identified. Trees planned for removal or relocation shall be marked on the plans, methodology to preserve trees in place shall be provided on the plans;
 - f. Details of all irrigation (drip and sprinkler) as well as all equipment such as backflow, controller and meter devices identified;
7. Two deep watering tubes per tree planted in sidewalk planter beds.
8. The following statement shall be included on the final landscape plan set: "All landscaped areas shall be maintained in perpetuity upon completion and kept free from weeds and debris and maintained in a healthy, growing condition and shall receive regular pruning, fertilizing, mowing and trimming. Any damaged, dead, diseased, or decaying plant material shall be replaced within 30 days. Significant trimming or pruning will not be permitted without prior City approval.
9. All plant materials, including ground cover shall be serviced with an automatic irrigation system. All irrigation systems shall be subject to review and approval by the Planning and Building Department prior to issuance of permits.
10. Bark or other surface material may be utilized in planter areas as a mulch or accent material, but used alone are not sufficient to qualify as landscaping material. Large areas that utilize only bark, decomposed granite, or other surface/mulch material are not acceptable and shall include shrubs, trees and groundcover to provide variation, texture and shade.

Signs and Lighting

11. All exterior lighting shall be directed so as to not adversely impact traffic or adjacent sites. Light standards shall comply with the provisions of the City's Outdoor Lighting Control Ordinance as well as the City's Security Ordinance. A detailed on-site lighting plan, including a photometric diagram shall be reviewed and approved by the Planning and Building Department prior to the issuance of permits.

12. Signs indicated on the submitted plans are conceptual only and not a part of this approval. Any signs proposed for this development shall comply with the City Sign Ordinance, Section 40.26.20 of the Zoning Code, and any applicable Uniform Sign program. Application and approval by the Planning and Building Director is required prior to installation.
13. Signs for this project shall comply with the approved Uniform Sign program for University Mall or the applicant shall submit a separate Design Review for changes or deviations from the sign program. Application and approval by the Planning and Building Director is required prior to installation.

General Requirements

14. The applicant shall be responsible for informing all subcontractors, consultants, engineers, or other business entities providing services related to the project of their responsibilities to comply with all pertinent requirements in the City of Davis Municipal Code, including the requirement that a business license be obtained by all entities doing business in the City as well as hours of operation requirements in the City.
15. Prior to issuance of permits, the applicant shall submit to the City for review and approval a Construction Waste Recycling Program for the project including provisions for participation in the County Wood Waste Reduction program or equivalent. The recycling program should the recycling and re-use of all construction materials and garbage generated by the construction workers, such as shipping boxes and packing materials, beverage containers, metal scraps, etc. Prior to issuance of Certificate of Occupancy, applicant shall submit a report showing compliance with the approved program.
16. The approval period for Design Review # 40-02 shall become null and void after a period of 18 months if either the use permit has not been used or if substantial construction in good faith reliance on the approval has commenced subsequent to such approval. The Planning Director may extend the expiration date for one or more periods not exceeding a total of 18 months upon a showing that the circumstances and conditions upon which the approval was based have not changed. Requests for time extension must be accompanied by a formal application, all required exhibits and plans, and related application fees.

RESOLUTION OF THE CITY OF DAVIS STATING ITS INTENT TO AMEND THE
GENERAL PLAN TO CREATE THE COMMUNITY COMMERCIAL LAND-USE
DESIGNATION AND CHANGE THE DESIGNATION FOR THE UNIVERSITY MALL
AREA FROM NEIGHBORHOOD RETAIL TO COMMUNITY RETAIL

WHEREAS, the City of Davis has a significant sales tax leakage in the areas of furniture, apparel, and other household goods; and

WHEREAS, residents of Davis frequently drive to other communities to purchase merchandise that is not readily available within the City of Davis; and

WHEREAS, the University Mall center is located on major and minor arterials and a convenient distance from Highway 113; and

WHEREAS, two supermarkets and the Farmer's Market are located within a one-mile distance from the University Mall center, providing residents with grocery shopping opportunities within a reasonable distance; and

WHEREAS, Negative Declaration 18-02 adequately assesses the impacts of this General Plan Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVIS THAT IT INTENDS TO TAKE THE FOLLOWING DECISIONS:

1. To amend the City of Davis General Plan with the addition of the "Community Commercial" land-use category, as described in Attachment A to this resolution.
2. To amend the City of Davis Land Use Map with the change of the University Mall area from "Neighborhood Retail" to "Community Retail" as shown in Attachment B to this Resolution.

PASSED AND ADOPTED THIS __th DAY _____, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

ATTACHMENT A
RESOLUTION _____
GENERAL PLAN TEXT CHANGE

(Addition to Land Use Designations, Chapter 1)

- **Community Retail**

Intent: To provide opportunities for moderate-sized retail stores in existing retail clusters selling the kinds of retail goods for which there is substantial leakage within Davis, including appliances, electronics, furniture, clothing, and soft goods, and similar types of products.

Allowable Uses: Retail shopping centers and freestanding buildings selling the goods listed above, with ancillary retail uses and restaurants. May include some neighborhood-serving uses such as a food store. Residential uses would be conditionally allowable.

Maximum Floor Area Ratio: 50 percent, with an additional 10 percent allowed for development of shared parking facilities with neighboring uses. An additional 15 percent allowed for the housing component of a mixed-use project.

Special Considerations for Moderate Size Community Retail Stores:

- a. Must be designed and located to maximize accessibility and safety for pedestrians.
- b. Have a unified design that is consistent with and complementary to the City's small town ambience and neighborhood preservation goals.
- c. Incorporate state-of-the-art energy conservation in its planning and design.
- d. If located near a freeway, orient toward the community and away from the freeway.
- e. Favor retail types that are not likely to be able to located in the downtown area and that are not currently adequately available in Davis (such as apparel and soft goods, appliances, home furnishings and electronics).
- f. Shall be allowed only if:
 - 1 The downtown or neighborhood centers cannot accommodate the retail type, and
 - 2 The retail type in question is not adequately available in Davis. Under this provision, the size and type (for example, appliances, electronics) of the conditionally allowed retail use shall be strictly limited to the maximum size (up to 50,000 square feet) and to the specific type(s) of retail uses necessary to address the community's need(s).
- g. The use may not endanger the viability of similar uses in the City's primary and secondary retail zones (i.e. the downtown and existing neighborhood centers).
- h. Retain the overall City goal of maintaining the economic vitality of the downtown and neighborhood centers, and assure, using economic studies, that any community-serving retail use is consistent with this goal.

ATTACHMENT B
RESOLUTION _____
GENERAL PLAN MAP CHANGE