

## **ATTACHMENT #4**

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 40.01.090 OF CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE TO REZONE APPROXIMATELY 8.83 GROSS ACRES OF THE PARCEL LOCATED IMMEDIATELY SOUTH OF GRANDE AVENUE & NORTH OF COVELL PARK; (BROADLY SITUATED BETWEEN “F” STREET & CATALINA DRIVE) FROM RESIDENTIAL ONE-FAMILY DISTRICT TO PLANNED DEVELOPMENT (P-D) #7-07 (SINGLE-FAMILY RESIDENTIAL) – GRANDE SCHOOL SITE SUBDIVISION**

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 Code of the City of Davis, as amended, is hereby amended by changing the land use designation of the approximately 8.83 gross acres of the parcel located at south side of Grande Avenue near the intersection of Mercedes Avenue; bordered by Grande Avenue on the north, Residential Developments on the East and West, and Covell Park on the south, attached as Exhibit A, to Planned Development #7-07 (Single-family Residential).

### **SECTION 2. SINGLE-FAMILY RESIDENTIAL**

#### **A. Purpose.**

The purpose of Planned Development #7-07 (R-1) is to establish a planned development district with the based zone of Residential One-family district that principally allows residential uses. This Planned Development district:

- a) Provides for a portion of the city’s housing by providing lots suitable for single-family homes of various sizes and designs,
- b) Stabilizes and protects the residential character of the district and the surrounding area, and
- c) Promotes and insures that the new residential uses will be in harmony with the existing neighborhood; and respect the privacy of adjacent homes through reasonable setbacks, architectural design and general landscaping plan.

#### **B. Principal Uses.**

The principal uses of land in this district shall be consistent with Sections 40.03.020 (Residential One-family) district of the Zoning Ordinance, as it is written now and as it may be amended in the future.

## ATTACHMENT #4

### C. Accessory Uses.

The accessory uses of this district shall be consistent with the accessory uses in section 40.03.030 of the Zoning Ordinance, as it is written now and as it may be amended in the future.

### D. Conditional Uses.

The conditional uses of this district shall be consistent with the conditional uses in section 40.03.040 of the Zoning Ordinance, as it is written now and as it may be amended in the future.

### E. Development Standards.

The final planned development approval will establish the final development standards for each lot. The development standards for this district shall be consistent with the standards in Sections 40.03.050 and 40.03.060 of the Zoning Ordinance, as it is written now and as it may be amended in the future. The exceptions to the zoning standards shall be those shown on the final planned development map, which are further specified under Special Requirement section of this ordinance.

### F. Special Conditions.

This district shall comply with special conditions in Section 40.03.070 of the Zoning Ordinance, as it is written now and as it may be amended in the future. Additional special conditions are as shown on Section 3 below.

## **SECTION 3.     SPECIAL REQUIREMENTS**

The following special requirements are placed on the uses in this P-D district:

### 1. Affordable Housing & Middle-income Lots.

Section 40.22.010 (purpose of P-D district) of the Zoning Ordinance contains criteria upon which a P-D district shall be judged to include provision of a mix of housing styles and costs; provision of sound housing for persons of low, moderate and high income levels, and creative approaches in the development of the land. This section is consistent with many other General Plan policies regarding provision of varied housing prices for all income levels. Therefore to assure that the proposed P-D district complies with the requirements, the following special conditions are imposed on the P-D District:

- i. The sizes for the affordable and middle-income lots shall be allowed to be smaller than the market-rate lots.
- ii. The affordable and middle-income lots may be developed as attached or detached units.
- iii. Development standards for the affordable and middle-income lots shall be established as part of the Final Planned Development. Modifications to allow

## ATTACHMENT #4

for innovations, or appealing, or improved architectural and subdivision design may be approved as a Minor Modification consistent with Section 40.27.080(b)(9) of the Zoning Ordinance. This allows for deviations to the final planned development map, which are consistent with the development standards of the underlying zoning district, R-1.

2. Green Building. The approved project, at building permit stage, shall comply with Green Building Ordinance, as it is written now and as amended in the future.
3. Greenhouse Gas Emissions. The developer of the Grande School site comply with any greenhouse gas emissions standards established by the city at the time of applying for building permits for any lot in the subdivision.
4. Affordable Housing Plan. Should there be a substantial change in the described affordable housing provision for the Grande School site, the applicant/developer shall submit affordable housing details (i.e., Affordable Housing Plan) beyond those proposed within the current planning application for the review and action of the Social Services Commission, prior to the Community Development Director signing of the approved Vesting Tentative Map for the subdivision.

To provide for flexibility, the following affordable housing conditions shall be met to ensure future compliance with city requirements as details of the project are further defined:

- a. The proposed 41-unit project has been found to comply with local affordable low/moderate and middle income requirements through the provision of 8 low/moderate units and 6 middle income units. If the unit total in the project increases, the affordable low/moderate and middle income unit requirements would be required to increase correspondingly.
- b. The City's standard Resale Restriction and Right of First Refusal Agreement that includes an appreciation cap, owner-occupancy requirements, seller's clearance of Resale Report findings, and a Right of First Refusal to the City (with a corresponding administrative fee) shall be recorded to all 14 low/moderate and middle income units upon initial sale, in accordance with city affordable housing requirements.
- c. The low/moderate and middle income units may include a variety of unit sizes, with a minimum of half of the units for each category being 3-bedroom units. Unit sizes will be reviewed with submittal of the Affordable Housing Plan.
- d. In accordance with the request by the applicant, and the property owner, Davis Joint Unified School District, the approval is for the concept of a preliminary preference to District employees in the initial sale of the 14 low/moderate and middle income units in the project. This would be accomplished by an initial lottery of District employees and a second lottery under the City's standard Incentive System, if additional prospective buyers were needed. Approval of this preference is subject to: 1) the District's agreement to fully indemnify the City; 2) to provide demographic information to the City that demonstrates there is no disparate impact on a protected class, and 3) would be subject to other details and requirements as further directed by the City Attorney's Office.

## ATTACHMENT #4

- e. All low/moderate and middle income units shall be advertised and sold in accordance with the City's Buyer Selection Guidelines, with the incorporation of a District staff preference in the initial sale. A marketing and buyer selection plan shall be submitted to the City's housing staff in the Community Services Department for review and approval prior to the marketing and sale of units.
  - f. All low/moderate and middle income units shall be priced by the City in accordance with city code and pricing calculations, accounting for any special assessments or homeowners association fees in the project and including the appropriate price points needed to meet required affordability averages at the time of completion of the affordable housing units.
  - g. Final placement of unit types in the project will be further reviewed with the submittal of the Affordable Housing Plan for the project, but shall be in compliance with the distribution shown in the Planned Development Exhibit as proposed.
  - h. All low/moderate and middle income units shall be developed concurrently with the project's market rate units. Certificates of occupancy will not be provided on the last fifteen market rate units in the project until all low/moderate and middle income units have been issued a certificate of occupancy.
  - i. Resale of the low/moderate and middle income units shall be administered under the City's Right of First Refusal Program.
  - j. All market-rate and middle income units in the project shall be designed and developed to be visitable and all low/moderate income units shall be built as first-floor accessible units.
  - k. The affordable housing units shall be constructed and occupied consistent with the P-D approval condition requirement.
  - l. Indemnification. The applicant/developer 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.
5. Mitigation Measures. The applicant/developer shall comply with all mitigation measures identified in the Mitigated Negative Declaration #08-07. Failure to comply with the mitigation measures shall be deemed a zoning violation.
6. Indemnification. The applicant/developer 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

## ATTACHMENT #4

own option, to choose its own attorney to represent the City, its officers, employees and agents in the defense of the matter.

### **SECTION 5.     FINDINGS**

The City Council hereby finds as follows:

1. Find that the proposed rezoning to a planned development, with adoption of the proposed General Plan amendment, will comply with the new land use designation of Residential Low Density for the parcel currently designated Public/Semi-public by the General Plan. This allows for a consistent land use designation and zoning for the parcel, which would facilitate the development of the proposed project.
2. Find that 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 diversification in the relationship of various buildings and structures and provide relief from the rigid standards of conventional zoning in order to allow for new and compatible housing development with surrounding residential uses. The proposed project will provide for an integrated and harmonious residential environment and creative relationship with adjacent residential uses, which consists of larger lots. It will allow for and encourage architectural variation while maintaining the residential character within the area.
3. Find that public necessity, convenience and general welfare require adoption of the proposed amendment, given that the proposed project is an infill project that will address the housing needs of the city.
4. Find that Mitigated Negative Declaration #8-07 has been prepared for this project. It declares that impacts associated with the project have been adequately addressed through city standard conditions of approval and mitigation measures recommended for adoption. No environmental impacts report (EIR) is needed.
5. Find that the proposed project will constitute a residential environment of sustained desirability and stability in harmony with the character of the surrounding neighborhood.

### **SECTION 6.     EFFECTIVE DATE**

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

INTRODUCED ON December 16, 2008, and PASSED AND ADOPTED on \_\_\_\_\_, 2008? by the following vote:

# ATTACHMENT #4

AYES:  
NOES:  
ABSENT:

ATTEST:

RUTH UY ASMUNDSON  
Mayor

ZOE MIRABILEI  
Deputy City Clerk

Attachment -- Exhibit A – Zoning Land Use Map of the subject property

