

**ORDINANCE NO. 2652**

**AN ORDINANCE AMENDING CHAPTER 40 OF THE CITY OF DAVIS  
MUNICIPAL CODE TO ESTABLISH CHAPTER 40.09A HIGH DENSITY RESIDENTIAL  
OVERLAY DISTRICT ZONE (HDR-OZ)**

WHEREAS, the General Plan of the City of Davis states that a variety of housing types should be encouraged to meet the housing needs of an economically and socially diverse Davis, and to encourage infill as an alternative to sprawl; and

WHEREAS, on August 31, 2021, the City Council adopted an updated Housing Element to the General Plan approving Resolution 21-128 adopting the 2021-2029 Housing Element (Version 1) and approving Resolution 23-008 on January 1, 2023 adopting the updated 2021-2029 Housing Element (Version 2); and

WHEREAS, the City of Davis has made further updates in response to comments from the State Department of Housing and Community Development and has prepared an updated 2021-2029 Housing Element (Version 3), which included evaluation of the City's current and future housing conditions and identification of suitable sites to accommodate high density residential development; and

WHEREAS, in order to meet the City's Regional Housing Needs Allocation (RHNA) obligations, the amendment is necessary to allow high density housing on the subject site(s); and

WHEREAS, it is the purpose of the Zoning Ordinance of the City of Davis is to establish a precise and detailed plan for the use of land in the City based on the General Plan and the proposed ordinance amendment will create a High Density Residential Overlay District to implement the goals and policies of the Housing Element; and

WHEREAS, the High Density Residential Overlay District adds residential uses to the existing allowed uses for sites within the district, which are located at infill sites with adequate access and services; and

WHEREAS, the High Density Residential Overlay District establishes appropriate development standards and requirements to ensure compatibility with surrounding uses and consistency with the Housing Element and state requirements; and

WHEREAS, the City has prepared Negative Declaration #03-22 (SCH: 2023100491) in accordance with the California Environmental Quality Act, which evaluated the potential environmental impacts of updated Housing Element (Version 3) and the rezone of housing sites for the related general plan amendments and rezones and determined that it will not result in a significant effect on the environment and that no further environmental review is required; and

WHEREAS, on November 8, 2023, the Planning Commission held a duly noticed public hearing to receive comments and consider the amendment to the General Plan, and following such hearing, based on oral testimony and documentary evidence reviewed during the public hearing, voted to recommend that the City Council adopt the amendments; and

WHEREAS, on December 5, 2023, the City Council held a duly noticed public hearing to receive comments and consider the amendments and based on oral testimony and documentary evidence reviewed during the public hearing, determined that the Negative Declaration #03-22 (SCH: 2023100491) completed for the project was prepared in accordance with CEQA, adequately evaluated the potential environmental impacts of the project concluding the project would have no significant adverse environmental impact, that the appropriate findings were made, and that no further environmental review is required.

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

**SECTION 1.** The above recitals are hereby incorporated as set forth in this section.

**SECTION 2.** Article 40.09A High Density Residential (HDR) Overlay District is hereby added to Chapter 40 of the City of Davis Municipal Code as follows:

- 40.09A.010 Purpose
- 40.09A.020 Applicability
- 40.09A.030 Minimum Residential Density
- 40.09A.040 Permitted Uses
- 40.09A.050 Accessory Uses
- 40.09A.060 Conditional Uses
- 40.09A.070 Prohibited Uses
- 40.09A.080 Development Standards
- 40.09A.090 Final Planned Development
- 40.09A.100 Site Plan and Architectural Review
- 40.09A.110 Ministerial Review of Qualifying Projects
- 40.09A.120 Exceptions and Modifications
- 40.09A.130 Conflicts
- 40.09A.140 Special Conditions

**40.09A.010 PURPOSE.**

The purpose of this High Density Residential Overlay District is to encourage high density residential uses on suitable infill sites to meet city housing needs, which are in addition to the permitted uses of the underlying zoning district. This Overlay District is intended to foster new development with residential uses and densities that are compatible with existing allowed non-residential uses and with adjacent neighborhoods and that support reduced vehicle trips and promote energy and resource conservation.

**40.09A.020 APPLICABILITY**

- a) The HDR Overlay District shall be applied to the area(s) defined on the High Density Residential Overlay District Zone Map (Figure 1), as amended, and to be identified as HDR-OZ on the General Plan Map.
- b) The provisions and standards of this article apply to new residential development or new mixed use (residential with non-residential) development proposed on sites within this Overlay District.
- c) New development or site changes and uses proposed under the existing underlying zoning district with no residential component on the site shall comply with the applicable standards of the underlying district.



**40.09A.030 MINIMUM RESIDENTIAL DENSITY.**

Allowable density shall be as established in the General Plan designation for the site. However, all new residential or mixed use developments subject to this Overlay District shall provide a minimum residential density of 20.00 units per net acre or the minimum density required by the General Plan designation, whichever is greater.

**40.09A.040 PERMITTED USES.**

In addition to the permitted uses of the underlying zoning district, the principal permitted uses of the HDR Overlay District are as follows:

- a) Dwellings, multiple.
- b) Group care homes with six or fewer clients, subject to the provisions of Section 40.26.135.
- c) Cooperative housing, as defined in Section 40.01.010.
- d) Supportive housing.
- e) Transitional housing.
- f) Family and group day care homes as defined in Section 40.26.270.
- g) Combination of residential and the following non-residential uses: office, commercial, research and development and laboratory uses with a B Occupancy, that are either permitted in this section or the underlying zoning district. A minimum of 50% of the floor area of the building(s) shall be for residential uses. Combined uses may be integrated vertically in the same building or horizontally on the same site provided the residential density requirement is met.

**40.09A.050 ACCESSORY USES.**

In addition to the permitted accessory uses of the underlying zoning district, the following accessory uses are permitted in the HDR Overlay District:

- a) Home occupations subject to the provisions of Sections 40.01.010 and 40.26.150.
- b) Swimming pools, private, subject to provisions of Section 40.26.350.
- c) Signs, subject to the regulations of Section 40.26.020.
- d) Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to provisions of Section 40.26.010.
- e) Accessory dwelling units meeting the requirements of Section 40.26.450 (Ministerial accessory dwelling units).

**40.09A.060 CONDITIONAL USES.**

In addition to the permitted conditional uses of the underlying zoning district, the following conditional uses may be permitted in the HDR Overlay District:

- a) Single room occupancy (SRO) units.

**40.09A.070 PROHIBITED USES**

The following uses are prohibited in the HDR Overlay District:

- a) Single-family dwellings and duplexes.

**40.09A.080 DEVELOPMENT STANDARDS.**

The zoning development standards for residential or mixed use (residential/non-residential) developments subject to the HDR Overlay District shall be as follows.

- a) Lot Area. Seven thousand five hundred square feet minimum.
- b) Lot Width. Seventy feet minimum, except that existing lots of record as of date of this ordinance adoption are exempt.
- c) Building Height. Sixty feet maximum.
- d) Yard Setback Requirements. The following minimum yards shall be required.
  - Front Yard: Ten feet,
  - Side Yard, Street: Ten feet.
  - Side Yard, Interior: Five feet.
  - Rear Yard: Ten feet.

When the yards are adjacent to a single-family district or existing single-family development, the required minimum yards shall be increased to 10 feet on the interior side and 20 feet on the rear. An additional 10 feet of setback on the interior or rear sides shall be provided for any portion of the building exceeding 40 feet in height.

- e) Lot Coverage. Fifty percent maximum, not including accessory structures.
- f) Floor Area Ratio. 2.0 maximum. Garage floor area is not included for the purposes of floor area ratio calculations.
- g) Useable Open Space (minimum whichever is less).
  - Ten percent of site; or
  - Total based on unit number and type:
    - Each studio or one-bedroom unit: one hundred square feet.
    - Each two-bedroom unit: one hundred fifty square feet.
    - Each additional bedroom: fifty square feet.
- h) Vehicle Parking.
  - Residential. No on-site parking for residential uses is required. However, if provided, the maximum parking provided for residential uses shall be as follows:
    - One space maximum per studio/one-bedroom unit.
    - One and three-quarter spaces maximum per two-bedroom unit.
    - Two spaces maximum per three-bedroom or more unit.
  - Non-Residential. Parking for non-residential uses shall be provided as required by the Davis Municipal Code Section 40.25.090.
  - Any off-street parking provided shall be developed as required in Davis Municipal Code Sections 40.25.010 to 40.25.120.
- i) Bicycle Parking. Per Davis Municipal Code 40.25A.060



**40.09A.090 FINAL PLANNED DEVELOPMENT**

These standards shall serve as the final planned development standards. Developments consistent with the standards established in this Overlay District are exempt from a final planned development review. However, modifications to the standards for a specific development may be allowed through approval of a revised final planned development for the site, pursuant to Davis Municipal Code Article 40.22.

**40.09A.100 SITE PLAN AND ARCHITECTURAL REVIEW**

Except as provided for in Section 40.09A.110, site plan and architectural approval (Design Review) by the Director of Community Development and Sustainability or designee shall be required for all development, pursuant to Davis Municipal Code Article 40.31.

**40.09A.110 MINISTERIAL APPROVAL OF QUALIFYING PROJECTS**

Qualifying residential development projects consistent with Government Code Section 65583.2(c) and (h) in which at least 20 percent of the residential units are affordable to lower income households shall be processed ministerially. Projects shall comply with all applicable development standards and requirements of this Overlay District and Davis Municipal Code and the adopted "Design Standards for Ministerial Residential Developments". Qualifying residential development projects shall also comply with inclusionary requirements in Davis Municipal Code Chapter 18.05 (Affordable Housing).

**40.09A.120 EXCEPTIONS AND MODIFICATIONS**

Exceptions and minor modifications may be allowed pursuant to Davis Municipal Code Article 40.27.

**40.09A.130 CONFLICTS.**

For provisions not covered by this ordinance or the final planned development, 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.

**40.09A.130 SPECIAL CONDITIONS**

The following special conditions shall apply to any development project subject to this Overlay District for the site located at 4600 Fermi Place (APN: 071-425-001).

- a) Landscaped Freeway Buffer. A minimum 20-foot wide landscape buffer shall be provided along the southern property line. The buffer shall include one minimum 15-gallon evergreen tree located on-center every 25 feet parallel to the freeway and include a mix of shrubs and other cover plantings. Trees shall consist of approved trees from the City of Davis' Master Tree List.
- b) Window Noise Ratings. Window ratings and building and improvements shall be designed so that interior noise levels do not exceed 45 dB. Windows facing I-80 for all residential units shall include necessary upgraded STC rated windows or other construction-related facade improvements to comply.

**SECTION 3. FINDINGS.**

The City Council of the City of Davis hereby finds:

1. The proposed amendment is in conformance with the General Plan, as amended, in that it provides consistency between the land use and zoning of the subject parcels and

provides necessary high density housing sites consistent with the General Plan Housing Element to facilitate housing development, including:

- Housing Policy 1.1. Maintain adequate sites to achieve Davis’ RHNA goals for the 2021-2029 Planning Period.
- Housing Policy 1.2: Facilitate the production of a variety of housing types that meet the housing needs of an economically and socially diverse Davis.
- Housing Policy 2.1: Meet the projected local need for housing affordable to extremely low-, very low-, low-, and moderate-income households according to Davis’ eight-year fair share of regional housing needs.
- Housing Policy 4.1: Facilitate the production of housing for households at all income levels by streamlining the development process.
- Housing Element Implementation Program 1.2 Rezone Program to rezone at least 24.8 acres to address the City’s shortfall of 496 lower-income RHNA units, plus a buffer of at least an additional 140 lower-income units.

2. Public necessity, convenience and general welfare require the adoption of the proposed amendment, in that it provides for high density residential areas necessary to meet the City’s housing needs, as identified in the General Plan Housing Element.
3. The City Council held a duly noticed public hearing on December 5, 2023 and based on oral testimony and documentary evidence reviewed during the public hearing, reviewed the Initial Study (SCH#2023100491) prepared for the project and adopted a Negative Declaration. The Initial Study was prepared and circulated for public review in accordance with CEQA requirements and adequately analyzed the potentially significant environmental impacts of the project and concluded that the project impacts were less than significant and no mitigation was required. No public comments were received that altered the analysis or conclusions of the Initial Study. The Initial Study represents the independent judgment of the lead agency.

**SECTION 4. EFFECTIVE DATE.**

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

INTRODUCED on the 5th day of December, 2023, and PASSED AND ADOPTED by the City Council of the City of Davis on this 9th day of January, 2024, by the following vote:

AYES: Arnold, Neville, Partida, Vaitla, Chapman

NOES: None

Josh Chapman  
Mayor

ATTEST:

Zoe S. Mirabile, CMC  
City Clerk

# FIGURE 1

## High Density Overlay District

**4600 Fermi Place (APN: 071-425-001)  
Approximately 6.98 acres**

