

THE DEPARTMENT OF COMMUNITY DEVELOPMENT AND SUSTAINABILITY



PLANNING APPLICATION FORM

GENERAL REQUIREMENTS (Print or Type)

Complete this application thoroughly and accurately. Include the required exhibits indicated in the **Application and Filing Requirements** list. Please note that an incomplete application will **not** be accepted for processing.

Project Name	Community Centered Housing at Palomino Place	
Project Address/ Location	North of Covell Blvd between the east edge of existing homes in Wildhorse and the existing Ag Buffer to the east	APN(s): 071 - 140 - 011
Property/Building Information	Zoning (Existing): PD #3-89	Proposed: New PD
	General Plan (Existing): Agricultural	Proposed: Mixed Use
	Property Size (Sq. Ft.): 1,132,560 sq.ft.	Acres: 26 acres
	Building Size: refer to Project Description	Building Height: refer to Project Description
Applicant/Contact Joint Application (4)	Name/Address: J. David Taormino Taormino & Associates, Inc. 429 F Street, Suite 5, Davis, CA 95616	Phone/Email: Phone: 530-231-5519 Email: David@Taormino.org
Property Owner (if different from above)	Name/Address: Binning Ranch Holding Company, LLC PO Box 293870, Sacramento, CA 95829 (see attached letter of authorization)	Phone/Email: (916) 615-6526 Email: majid@rfam.com

Application Type: Type of Review Requested (Please Check All Applicable Boxes)

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Preapplication | <input type="checkbox"/> Rezoning/Rezoning | <input type="checkbox"/> Design Review |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Rezoning/Preliminary P.D. | <input type="checkbox"/> Minor Modification |
| <input type="checkbox"/> Specific Plan Amendment | <input type="checkbox"/> Final P.D./Revision | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Zoning Ordinance Amendment | <input type="checkbox"/> Tentative Subdivision Map | <input type="checkbox"/> Public Convenience or Necessity |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Lot Line Adjustment | |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Other _____ | |

PROJECT DESCRIPTION

Detailed description of the Proposed Project (Attach additional sheets if necessary)
 Proposed Community Centered Housing; residential housing and community centered uses, stormwater features and open space. Please see attached Project Description for more details.

OWNER CERTIFICATION

I declare under penalty of perjury that I am the legal owner of the above described property involved in this application. I certify that the information furnished above and in the attached exhibits is true and correct to the best of my knowledge and belief. (If the undersigned is different from the legal property owner, a letter of authorization must accompany this form).

Applicant:  Taormino & Associates: President 9/14/21
Signature of Property Owner **Title** **Date**

For Office Use Only

Received By:	Date	Fee Amount (Deposit)	Fee Amount (Fixed)
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Applicant/Contact Joint Application (4)	Name/Address: Simon Pitfield Davis Fencing Academy/USA Pentathlon Multisport 2121 2nd St., Suite A-104, Davis, CA 95618	Phone/Email: Phone: 530-758-7087 Email: Davispentathlon@gmail.com
Property Owner (if different from above)	Name/Address: Binning Ranch Holding Company, LLC PO Box 293870, Sacramento, CA 95829 (see attached letter of authorization)	Phone/Email: (916) 615-6526 Email: majid@rfam.com

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Applicant:  Owner: Davis Fencing Academy
 Head Coach: USA Pentathlon Multisport 9/14/2021
Signature of Property Owner **Title** **Date**

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Applicant/Contact Joint Application (4)	Name/Address: Kevin Waterson Davis Aquatic Masters PO Box 921, Davis, CA 95617	Phone/Email: Phone: 530-757-7946 Email: Calikev23@yahoo.com
Property Owner (if different from above)	Name/Address: Binning Ranch Holding Company, LLC PO Box 293870, Sacramento, CA 95829 (see attached letter of authorization)	Phone/Email: (916) 615-6526 Email: majid@rfam.com

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Applicant: *K. Waterson* President: Davis Aquatic Masters 9/15/21
Signature of Property Owner **Title** **Date**

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Applicant/Contact Joint Application (4)	Name/Address: Billy Doughty Dart Swimming PO Box 186, Davis, CA 95617	Phone/Email: Phone: 530-758-3278 Email: Swimdavis@yahoo.com
Property Owner (if different from above)	Name/Address: Binning Ranch Holding Company, LLC PO Box 293870, Sacramento, CA 95829 (see attached letter of authorization)	Phone/Email: (916) 615-6526 Email: majid@rfam.com

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Applicant: *[Signature]* CEO & Head Coach: DART Swimming 9/15/21
Signature of Property Owner **Title** **Date**

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APPLICATION PROCEDURE AND FILING REQUIREMENTS

SECTION 1: Application Procedure & General Filing Requirements

A. Preapplication Review

It is recommended for projects of a more complex nature, that the applicant submit a Preapplication proposal prior to submission of the formal application. This will allow the Planning, Building and Public Works staff to review the request and provide input on potential environmental concerns, zoning and engineering requirements, and specific traffic, site planning, landscaping, and building design criteria. This early review and input by staff should save the applicant possible delay and expensive plan revisions later in the process.

B. Initial Submittal – Due when initial application is filed with the City

(Note: Some items listed below may not be required based on type of application, Refer to Section 3, Table 1)

- 1. Completed Planning Application Form.
- 2. Applicant Narrative / Justification Statement.
- 3. Environmental Information Form (may not be required for minor applications).
- 4. Filing Fees and Fee Agreement.
- 5. **Twelve sets of the Project Development Review Information** (if applicable, see Section 3, Table 1, Part 2) to be reviewed by staff for completeness and accuracy. Fewer sets may be acceptable for minor applications.
- 6. One materials / color board.
- 7. One set of 8½ x 11” reductions of all plans.
- 8. One set of colored elevations.
- 9. Other: Depending on the nature of the project, additional descriptive materials may be required such as models, sight line studies, computer overlay graphics, and/or a streetscape perspective.
- 10. Electronic copy of application, plans and color exhibits in PDF or other acceptable image format.

C. Final Submittal – Due once application has been determined complete and ready for further processing

(Note: Some items listed below may not be required based on type of application. Refer to Section 3, Table 1, i.e. final submittal may not be required for minor applications)

- 1. **Twelve sets of Project Development Review Information** (if applicable, see Section 3, Table 1, Part 2)
- 2. A revised set of colored plans to include: a detailed site plan, conceptual landscape plan, illustrative building elevations, and any necessary cross-sections.
- 3. A revised building materials sample board in an 8½ x 11” format, as needed.

- 4. Photographs of the existing site (dependent on scope of project) taken from locations as shown in the attached example. The submitted photos are encouraged to be in digital form (JPEG files, formatted for the PC). Printed photos mounted on 8½ x 11” paper are acceptable and may include a photographic location map, as needed.
- 5. A revised set of 8½ x 11” reduced plans.
- 6. Streetscape perspective. Required for all residential (new construction) applications. May be required for other projects.
- 7. A revised electronic copy of application, plans and color exhibits in PDF or other acceptable image format

SECTION 2: Plan Preparation Guidelines

- 1. All plans shall be drawn on uniform sheets of 24” x 36” or 30” x 42”. However, for minor application reviews such as minor modifications, plans may be 8½ x 11” in size as long as all necessary information has been provided and plans are clearly legible.
- 2. All site and landscape plans shall be drawn to an engineering scale of 1”=20’; 1”=30’; 1”=40’; or 1”=50’ with the scale clearly labeled.
- 3. All elevations shall be drawn to an architectural scale no smaller than ¼”=1’.
- 4. All required plans shall be collated and stapled together into development package sets and shall be folded to the following specifications. Each set shall be:
 - a) folded lengthwise in half with the text inside
 - b) fold the two opposite edges back over to meet the spine of the original fold
 - c) then, beginning on one long end fold in 2 or 3 sections as necessary to result in a rectangular set approximately 8½ x 11” in size (accordion style).

Colored plans shall be rolled rather than folded.

* It should be noted that additional sets of plans may be required for distribution.

SECTION 3: Table 1 – Application Submittal Requirements

The following information is required to process planning applications. An “X” in a cell means the information is required for that particular application. Applicants are responsible for providing a complete and accurate submittal package which will allow the city to evaluate the application. The **initial** submittal requirements are due when the application is filed with the City (at filing deadline). The **final** submittal requirements are due once the application has been determined complete and ready for further processing. These plans will then be used to prepare final conditions and will be distributed to Planning Commission/City Council. Staff will notify project applicant when the final submittal package is due.

General Project Information														
SUBMITTAL REQUIREMENTS	General / Specific Plan Amendment		Rezone & Preliminary PD		Final PD & Revision		Tentative Map / Other Map Applications		Design Review		Conditional Use Permit		Variance & Minor Modification	
	I	F	I	F	I	F	I	F	I	F	I	F	I	F
Completed Application Form (Signed by the Property Owner)	X		X		X		X		X		X		X	
Applicant Narrative / Justification	X		X		X		X		X		X		X	
Environmental Information Form	X		X		X		X		X		X		X	
Signed Fee Agreement	X		X		X		X		X		X		X	
Fee	X		X		X		X		X		X		X	
Electronic copy of application, Plans & color exhibits	X		X		X		X		X		X		X	
Title Report	X		X		X		X		X		X		X	
Legal Description	X		X		X		X		X		X		X	
Contextual Map	X		X		X		X		X		X*		X*	

Project Development Review Information														
SUBMITTAL REQUIREMENTS	General / Specific Plan Amendment		Rezone & Preliminary PD		Final PD & Revision		Tentative Map / Other Map Applications		Design Review		Conditional Use Permit		Variance & Minor Modification	
	I	F	I	F	I	F	I	F	I	F	I	F	I	F
INITIAL/FINAL	I	F	I	F	I	F	I	F	I	F	I	F	I	F
Site Plan (12 sets) if applicable	X	X	X	X	X	X	X	X	X	X	X*	X*	X*	X*
Building Elevations/ Floor Plans (12 sets)					X	X			X	X	X*	X*	X*	X*
Materials/Color Board (1 set)					X	X			X	X	X*	X*		
Conceptual Landscape Plan (12 sets)					X	X			X	X	X*	X*		
Parking Lot Shading Plan (12 sets)					X	X			X	X	X*	X*		
Conceptual Grading Plan					X	X	X	X	X	X				
Tentative Map (12 sets)					X#	X#	X	X						
8 ½" x 11" Reductions of all Plans (1 set)		X		X		X		X		X		X		X
Colored Landscape Plans (1 set)						X				X		X*		
Colored Elevations (1 set)					X	X			X	X	X	X		
Streetscape Perspective						X				X		X		

* Required number of sets are dependent upon nature of the application. Those which are minor in nature, may only be required to submit 4-sets of plans and may not be required to submit material samples. Additionally, at the discretion of the Department of Community Development and Sustainability, minor projects such as minor modification may only require in 8½ x 11” size plans.

If a tentative map is involved, please submit additional copies with the package.

SECTION 4: Explanation of Matrix Information

- Application Form, Fees, and Environmental Information Form.** Only one form is required for all applications; do not submit separate applications for the different requested actions. Fees are according to entitlement.

- Applicant Narrative/Justification.** This is a written narrative provided by the project proponent explaining the application request, project description and goals, and justification statement if any deviation from approved or standard code is requested. In the case of a request for a General Plan amendment, the applicant should provide written justification as to why and how a change in the approved General Plan would provide benefit to the community.

Outreach Summary. The City encourages early consultation with adjacent neighbors, particularly if they may be impacted by a proposed project. Provide information on outreach to potentially affected parties, including: who has been contacted; by what means (preferably in person); what comments and concerns were received; and what has been done to address, or the reasons for not addressing, the comments and concerns.

- Title Report.** This is required unless specifically waived by the Public Works Staff.
- Legal Description.** This can be obtained from the Title Report. Lot Line Adjustment/Mergers require descriptions of both the existing and proposed properties. Check with Staff for other requirements.

- Contextual Map.** This is a map that shows the location of the site and the relationship of the proposed project to existing surrounding properties, buildings, and site features. This map shall indicate the proposed project site plan, all parcel lines and streets, location and use of structures, adjacent access and circulation, and existing zoning and land use within an approximately 300-foot radius. Aerial photographs may be used if features are properly labeled.

- Site Plans.** The following information is required to be included on all plans in order for the plan to be considered complete. Information may be provided on more than one page for legibility, if necessary.
 - Name, address, and daytime phone number of the applicant and the author of the plan.
 - Date of preparation of plan, scale, and north arrow. North must be at the top of the site plan. A small vicinity map shall be located in the upper right hand corner of the plan, or attached as a separate map, with the project site located in relation to major streets and landmarks.
 - Property lines and lot dimensions, square footage, Assessor's Parcel Number, address and APN's of the adjacent properties.
 - Existing and proposed easements. State the purpose of the easement (i.e., access, PUE, etc.) If requesting abandonment of an easement, include a statement on the plan which contains the legal description of the easement, plus the County Recorder's book and Page numbers, date easement was granted, who granted the easement, for what purpose the easement was granted and whether the easement has been used.
 - Drainage structures and direction of surface flow (if not included on a conceptual grading plan).
 - Locations of all buildings and other structures, including existing fencing, both on the property and within 200 feet of the site.
 - Dimensioned locations of:**
 - Street dedications and improvements (existing and proposed), including overhead utilities
 - Access, for vehicular, bicycles, and pedestrian, showing service area and points of ingress and egress.
 - Off street parking and loading or outdoor storage areas showing location, number and typical dimension of spaces and wheel stop locations.
 - All street improvements, driveways and parking on adjacent and across-the-street properties within 200 feet of the site.
 - Any existing or planned median islands within 200 feet of the site.
 - All structures/ buildings existing or proposed on site; clearly indicating size of structure(s), setbacks from property lines, yard areas, and distances between buildings/structures.
 - Landscape areas including designated open space, landscape planters, islands, tree wells, etc.

- Building accessory structure and mechanical equipment locations, including pavement/sidewalks, trellises, light standards, trash enclosures, transformers, and monument signs, including dimensioned setbacks (front, rear, sides)
 - Location, height and materials of all walls.
 - All property proposed for public use. Note size of all property to be dedicated, conveyed and /or reserved for streets, open space and affordable housing program dedicated land.
 - Open space use must be described (i.e., yard, greenbelt, park, drainage, etc.) and a statement disclosing the means whereby such open space provided for public use shall be established and maintained. For residential projects, a separate exhibit showing usable open space locations and calculations shall be included.
 - Parking areas shall be clearly labeled. Include a summary table of the number of spaces, accessible and van-accessible spaces and ramps, dimensions of spaces and aisles, and a comparison of required and provided spaces.
 - Plans must also show location of bicycle racks, and path of travel from the street to the bicycle racks. A separate bicycle parking exhibit is suggested for commercial/apartment projects.
- Building Elevations**
- Illustrative elevations of all sides of buildings and structures. “Illustrative” building elevations means drawn with shadows to give depth with people, cars or trees for scale. Do not cover the elevation with trees, cars, or people – place them behind or on the side.
 - Illustrative elevations of all walls and/or fences.
 - Illustrative cross sections and enlargements or architectural elements or details as needed.
 - All exterior building materials shall be clearly labeled on each sheet of elevations. These shall include notes on all design details such as building materials, roofing materials, trim and building colors, etc. Design details such as lighting fixtures, bicycle racks, paving materials, directory structures, trellis and awnings, fencing, etc. shall be clearly described and drawn.
- Floor Plans.** All floors, including labeled use of each room (bedroom, kitchen, office, warehouse, etc.) Dimensions of all exterior walls, doors, windows and room sizes.
- Materials Board.** Exhibit containing actual samples of roof, building, paint, awning, and window materials.
- Conceptual Landscape Plans**
- All proposed and existing structures and improvements as shown on the detailed site plan; however, all dimensions shall be excluded. Show roof outlines, including eave overhang.
 - Conceptual location of all plants and a planting legend which identifies such things as:
 - Trees, shrubs, and ground cover areas or other softscape elements. Indicate the intended function of plants (i.e. street tree, accent tree, canopy shade tree, parking lot tree, screening hedge, etc.)
 - Plant legend (schedule) shall identify type of plant with genus and common names, size of plants initially and at maximum growth, and corresponding symbol identification for the plan.
 - Include description of open space areas, (i.e. common area, tot lot, barbeque areas, pool/spas, recreation buildings, sports courts, etc...) calculation of landscape area or useable open space.
 - Existing trees on site or other plants proposed for removal and/or retention. Plants to be deleted shall be marked with an ‘X’ across the trunk or plant base.
 - Information on identified significant trees (Section 37.04.040) including: species, size, and condition, as determined by an arborist. Details of proposed construction activity within the root zone, including grading trenching, building construction, utility work, staging, storage and parking, both during construction and upon project completion.
 - Plazas, sidewalks or other hardscape elements, such as special paving materials or rockscape.

- Private and public sidewalks, paths or greenbelts.
- Primary and secondary project entry points and their treatment (textured paving, accent planting, entry walls, and/or monument signs).
- Parking Lot Shading Plan.** This plan is to be separate from the landscape plan. (See Parking Lot Shading Guidelines handout for examples and approved parking lot tree species)
 - The plan should clearly show all surfaced areas included in the calculation. Parking areas included should be shaded. A surface area square footage amount shall be indicated.
 - Tree canopies drawn to scale representing the appropriate canopy size at 15 years and the percentage of shade for each tree clearly indicated using shading or other graphic representation.
 - Provide a shade calculation table identifying the quantity and type of trees used and the corresponding percentage of shade credited to each tree.
- Conceptual Grading Plan.**
 - Proposed items shall be identified with solid lines and existing features with short dashes or screened
 - Proposed grading, structures, curbs, walls (ht), sidewalk gutters, drainage structures, swales, etc. The plan shall include spot elevations, gradients, contours, details, cross sections, flow arrows, etc.
 - Existing features within 200 feet beyond site boundaries; natural ground (contours), trees, structures (pad and floor elevations), drainage courses, streets, etc.
 - Structures, footprints, pad and floor elevations, retaining walls, etc.
 - Easements, property lines and rights of way
 - Earthwork quantities (borrow and disposal areas)
 - Existing and proposed sewers
 - Drainage and flood control facilities (size, type, etc.)
 - Cross sections at all site boundaries to scale, showing existing and proposed grading, cut and fall, wall heights, and elevation differences. Sections should extend through building pads and streets.
 - Shade pavement and slopes 3:1 or steeper
- Tentative Map.** See Supplemental Requirements for Tentative Map Applications handout.
- Reduced Plans.** A set of site plans reduced to 8½ x 11" paper and legible for photocopying. For Rezoning, Tentative Maps, and Planned Developments the reductions must be PMT reductions.
- Colored Landscape Plans.** Plans should be colored to clearly illustrate locations and percentage of pavement, building areas as well as amount and type of landscape.
- Electronic copy** of application, plans and color exhibits in PDF or other acceptable image format.

Colored Elevations. Elevations should be colored to represent as closely as possible the colors and materials proposed.

**RULES PERTAINING TO YOUR OBLIGATION TO PAY
THE CITY OF DAVIS
FOR THE TOTAL COST OF PROCESSING
AN APPLICATION FOR A LAND USE ENTITLEMENT**

PLEASE READ THE FOLLOWING CAREFULLY. IT EXPLAINS YOUR LEGAL OBLIGATION TO PAY THE FULL COST OF PROCESSING YOUR LAND USE APPLICATION WITH THE CITY OF DAVIS.

GENERAL

1. The City Council of the City of Davis has adopted a policy which requires that you, as an applicant for a land use entitlement from the City, pay all costs and fees associated with the processing of your application.
2. A land use entitlement is the grant by the City of Davis, under its municipal powers, which allows you to use your property in a certain way as defined by the ordinances, resolutions, rules and regulations of the City and of State law. Some examples of land use entitlements are: a rezoning, a conditional use permit, and a subdivision map.
3. The policy provides that all costs associated with the processing of your application are to be paid by you whether or not your application is ultimately approved.

SPECIFIC REQUIREMENTS AND OBLIGATIONS

1. In order for the Community Development and Sustainability Department (the "Department") to commence the processing of your application, you must have on file, in addition to the application itself, a signed copy of the form entitled AGREEMENT TO PAY THE CITY OF DAVIS THE TOTAL COSTS INCURRED IN CONNECTION WITH THE PROCESSING OF AN APPLICATION FOR A LAND USE ENTITLEMENT.

A copy of the Agreement for your signature is attached.

2. The Agreement places upon you certain legal obligations. If you have any questions concerning it, you should consult with an attorney of your choice. Neither the Department nor the City Attorney can provide you with legal advice.
3. The purpose of the Agreement is for the City to recover the actual costs associated with your application. These costs include, but are not limited to, City staff time, outside professional services, outside agency filing fees, property inspections, and similar matters.
4. The amount to be reimbursed for any particular activity (i.e., staff review) is set forth in the Master Fee Schedule adopted by the City Council from time to time. You are entitled to a copy of the schedule upon request. Fees are subject to increase while your application is pending.
5. Some applications require only the payment of a fixed fee. Others are processed on an hourly rate basis. For those applications processed on an hourly basis, a deposit is required as set forth in the Master Fee Schedule. From time to time you may be required to make additional deposits as determined by the Department. *A failure to make any required deposit within the time specified by the Department will result in your application being put "on hold" until the deposit is made. Your application will not be considered by the City Planning Commission, the City Council, or any other*

decision-making body until all required deposit(s) have been made. If a deposit is not made within 10 days after you receive a final demand to make the deposit, your application will be deemed denied.

6. You are entitled to know the approximate costs incurred to date during the application process by requesting that information from the Department. If you decide to withdraw your application at any time you will receive a reimbursement of deposited money *only to the extent that your deposit exceeds the total amount of the obligation you have incurred to that point. You are not entitled to a reimbursement for any services actually provided up to the time you withdraw your application. Fixed fee application refunds are subject to the Department of Community Development and Sustainability Refund Policy contained in the Planning Division Fee Schedule.*

7. If, after a determination is made on your application, and all follow-up matters pertaining to your application have been completed and you have money on deposit that exceeds the amount owed under the Agreement, you will receive a refund.

8. The Agreement specifically provides that if the City is required to maintain legal action to enforce it, you will be *required to pay attorney fees incurred by the City.* [Under State law if you win such a legal action the City must pay your attorney fees.] The Agreement also provides that the City may place a lien on the property to which your application pertains for any unpaid fees, including attorney fees.

9. The Agreement also provides that you defend and "hold harmless" the City in the event it is sued for approving your application. However, you may choose to have the City rescind any land use entitlement granted to you rather than defend the City.

10. At any time during the application process you may request that the City, in writing, provide its interpretation of the Agreement if there is a dispute between you and the Department regarding its terms or application.

11. A copy of this document will be incorporated into the Agreement by reference. Below is an acknowledgment which you must sign that shows that you have read and understand this document.

IT IS THE POLICY OF THE CITY OF DAVIS TO DEAL FAIRLY AND IMPARTIALLY WITH EACH APPLICANT FOR A LAND USE ENTITLEMENT. TO AVOID ANY DELAYS OR MISUNDERSTANDINGS, YOU ARE ENCOURAGED TO CONSULT WITH THE DEPARTMENT OF COMMUNITY DEVELOPMENT AND SUSTAINABILITY ON ANY MATTER OF CONCERN.

ACKNOWLEDGMENT

I, J. David Taormino, Taormino & Assoc., **AN APPLICANT** FOR A LAND USE ENTITLEMENT FROM THE CITY OF DAVIS, ACKNOWLEDGE THAT:

1. I HAVE RECEIVED AND READ A COPY OF THIS DOCUMENT.
2. I UNDERSTAND THE CONTENTS OF THIS DOCUMENT.
3. I UNDERSTAND THAT I WILL BE REQUIRED, AS PART OF THE PROCESSING OF MY LAND USE APPLICATION, TO ENTER INTO A LEGALLY BINDING AGREEMENT TO REIMBURSE THE CITY OF DAVIS FOR COSTS INCURRED IN THAT PROCESSING.

Dated: 9/14/21


Signature of Applicant

~~_____
Signature of Property Owner,
(if different than the Applicant)~~

J. David Taormino, Taormino & Associates, is the Applicant who is responsible for costs incurred in connection with the processing of the application for Community Centered Housing at Palomino Place.

**AGREEMENT TO PAY THE CITY OF DAVIS
THE TOTAL COSTS INCURRED
IN CONNECTION WITH THE PROCESSING OF
AN APPLICATION FOR A LAND USE ENTITLEMENT
J. David Taormino, Taormino &**

THIS IS AN AGREEMENT between Associates ("Applicant") and the City of Davis, a municipal corporation ("City"). It is effective on the date that an application for a land use entitlement is accepted for processing by the City. (For purposes of this Agreement, the term "Applicant" includes a) the property owner, and/or b) any authorized agent of the property owner for whose property the entitlement is sought).

THIS AGREEMENT is made with reference to the following facts, among others:

- A. The application pertains to real property commonly identified as Assessor's Parcel(s) No(s) 071 - 140 - 011, with a street address of North of Covell Blvd between the east edge of existing homes in Wildhorse and the existing Ag Buffer to the east ("the property").
- B. Applicant has filed, and the City, through its Department of Community Development and Sustainability, has accepted for processing, an application for a land use entitlement for the property. (The term "application" includes a pre-application if the pre-application process is used). The Application number is _____ (the "Application").
- C. The City has adopted a program which requires an applicant for a land use entitlement to pay all costs associated with the processing of an application.
- D. Applicant agrees to pay such costs as herein provided.
- E. This Agreement includes a document entitled RULES PERTAINING TO YOUR OBLIGATION TO PAY THE CITY OF DAVIS FOR THE TOTAL COST OF PROCESSING AN APPLICATION FOR A LAND USE ENTITLEMENT. A copy of that document is attached hereto and incorporated by this reference. Applicant, by his/her/its initials, states that Applicant has read and understood the matters set forth in that document.

Initials 

WHEREFORE, THE PARTIES AGREE AS FOLLOWS:

- ♦ Applicant agrees to pay the City all costs incurred, both direct and indirect, including State-mandated costs, associated with the review and processing of the Application for a land use entitlement with respect to the property.
- ♦ The obligation set forth in section 1 applies even if the Application is withdrawn or is not approved.
- ♦ The term "costs" includes all items within the scope of the City's adopted Master Fee Schedule, as well as the cost of retaining professional consultants to prepare environmental documentation, provide planning, engineering, building inspection, and legal services, and to perform other functions related to review and processing of the application. (A copy of the current fee schedule may be obtained from the Department of Community Development and Sustainability).
- ♦ Applicant understands that one or more payments will be required to cover the costs described above at such time(s) as requested by the Community Development and Sustainability Director. Certain applications require

only the payment of a flat fee, while others are processed on an hourly rate basis. For those processed on an hourly rate basis, one or more deposits against hourly rate charges are required pursuant to the Master Fee Schedule. Actual costs are charged based on a tiered hourly rate structure adopted by the City Council from time to time.

- ♦ Applicant must, at all times, have on deposit a sufficient amount to cover estimated future billings.
- ♦ When one or more deposits are required, Applicant may, from time to time, request from the Department of Community Development and Sustainability the approximate total of the costs incurred to the date of the request.
- ♦ Applicant understands that he/she/it is entitled to a refund of any deposit only to the extent the amount on deposit exceeds the amount due the City under this Agreement. No reimbursement will be made for services already rendered if an application is withdrawn. Fixed fee application refunds are subject to the Community Development and Sustainability Department Refund Policy contained in the Planning Division Fee Schedule.
- ♦ Only when a determination on the Application becomes final, and all staff work is complete, will Applicant receive a refund, if any, as provided in section 7.
- ♦ The City agrees to review and process the Application in accordance with this Agreement and all applicable laws, regulations, ordinances, standards and policies. Applicant understands that if a request for a deposit is outstanding, the Application will not be processed further until the deposit is made. If the deposit is not made within 10 days after a final demand is made for the deposit, the Application shall be deemed denied.
- ♦ The Application will not be considered by the City Planning Commission, the City Council, or any other decision-making body until all required deposit(s) have been made.
- ♦ If the Application is subject to a Measure J, as adopted by the voters of the City, or other similar measure, Applicant shall submit a deposit, in an amount determined by the Community Development and Sustainability Director, to fully cover City and Yolo County election costs. The deposit must be made prior to the City requesting that Yolo County conduct an election.
- ♦ Applicant understands and agrees that no City official, employee, or agent can make any promise or representation concerning the outcome of the Application. Only official action on the Application constitutes approval or disapproval thereof. If any promise or representation is made regarding the outcome of the Application by any official, employee, or agent of the City, such promise and/or representation SHALL BE OF NO FORCE OR EFFECT.
- ♦ In the event any claim, action, or proceeding is instituted against the City, and/or its officers, agents and employees, by any third party on account of the processing or approval of the Application, Applicant shall defend, indemnify and hold harmless the City, and/or its officers, agents and employees. This obligation includes, but is not limited to, the payment of all costs of defense, any amounts awarded by the Court by way of damages or otherwise, including any attorney fees and court costs. City may elect to participate in such litigation at its sole discretion and at its sole expense. As an alternative to defending any such action, Applicant may request the City rescind any approved land use entitlement. The City will promptly notify Applicant of any claim, action, or proceeding, and will cooperate fully in the defense thereof.
- ♦ In any legal action by either Applicant or the City to enforce one or more provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney fees and statutory costs.

- ♦ If Applicant is a person, firm, corporation, or other entity that is different from the owner of the property, such applicant shall be bound by the provisions of this Agreement to the same extent as the property owner, and shall be jointly and severally liable with the owner for any amounts due and owing the City under the terms hereof.
- ♦ The Agreement is valid only when first signed by the property owner, and by any agent or representative of the owner, and then signed by the authorized City official.
- ♦ The property owner expressly agrees that any unpaid amounts due the City under this Agreement shall become a lien against the property and expressly authorizes the City to record a notice of lien and/or a copy of this Agreement with the County Recorder of Yolo County.
- ♦ Amounts owed the City under this Agreement shall be delinquent 30 days after they become due and payable and shall carry an interest rate of 10% per annum until fully paid.
- ♦ This Agreement shall be governed by the laws of the State of California. Venue of any action concerning this Agreement shall be in the Superior Court of Yolo County.
- ♦ The Agreement supersedes any prior agreements or understandings between the parties concerning the subject matter hereof. No amendment to this Agreement is effective until a writing setting forth the amendment is signed by both parties.
- ♦ Person(s) signing this Agreement state that he/she/it/they have the legal authority to do so.

~~Name of Property Owner: _____ (please print)~~

~~Title: _____ Telephone: _____~~

~~Address: _____~~

~~_____~~

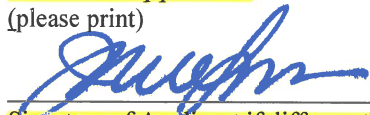
~~_____ Date: _____~~

~~Signature of Property Owner~~

And/Or,

Name of Applicant if different than the Owner: J. David Taormino, Taormino & Associates

(please print)



Date 9/14/21

Signature of Applicant if different than the Owner

_____ Date: _____

Signature of Community Development and Sustainability Director (or designee)

Person that shall receive billing invoices:

Property Owner

Name _____
Address _____

Applicant

Name J. David Taormino _____
Address Taormino & Associates _____
429 F Street, Suite 5 _____
Davis, CA 95616 _____

Person that shall receive any refund of monies paid:

Property Owner

Name _____
Address _____

Applicant

Name J. David Taormino _____
Address Taormino & Associates _____
429 F Street, Suite 5 _____
Davis, CA 95616 _____

FOR CITY USE ONLY:

Name of Applicant: _____ Date: _____
Name of Property Owner: _____
Address of Project: _____ Project No.: _____
Type of Application _____ By: _____
Fee Deposits: _____ Receipt No. and Date: _____
