STAFF REPORT

DATE: October 28, 2026

TO: Planning Commission

FROM: Dara Dungworth, Principal Planner

SUBJECT: Ordinance Amendment to Chapter 40 (Zoning) Regarding Two Unit Projects in Single-Family Zones

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RECOMMENDATION

Staff recommends the Planning Commission hold a public hearing and approve the following:

- Planning Commission Resolution recommending City Council approval an Ordinance amending Chapter 40 of the Davis Municipal Code regarding two unit projects in single-family zones (Attachment 1)

SUMMARY

Government Code Section 65852.21 (sometimes known as SB 9) was adopted by the State Legislature in 2021. Adoption of this ordinance will codify the regulations into the appropriate portions of the City of Davis Zoning Ordinance (Chapter 40) and Subdivision Ordinance (Chapter 36).

Amendments to the Zoning Ordinance (Chapter 40) require review and recommendation by the Planning Commission to City Council, which is the subject of this staff report. Planning Commission review is not required for amendments to the Subdivision Ordinance (Chapter 36). However, for the Planning Commission's information, this staff report contains a brief summary of the related Subdivision Ordinance amendments which will be presented to the City Council along with the Zoning Ordinance amendment.

Attachment 1 of this staff report provides the Planning Commission Resolution with a clean version of the proposed City Council Ordinance for two unit projects as Exhibit A of the Resolution.

Attachment 2 of this staff report is a redline version of the City Council Ordinance showing the proposed additions and deletions.

Attachment 3 provides a table summary of the Zoning Ordinance sections being amended and the source relation to a state regulation or local discretion.

SB 9 BACKGROUND

Senate Bill 9 (2021) requires ministerial approval of a housing development with no more than two primary units in a single-family zone, the subdivision of a parcel in a single-family zone into two parcels, or both. SB 9 facilitates the creation of up to four housing units on a lot that is typically used for one single family home. The legislation contains eligibility criteria addressing environmental constraints such as wetlands and wildfire risk. It also includes anti-displacement measures for renters and low income households as well as provisions for the protection of historic structures and districts. The key provisions of the law require local agencies to modify or eliminate objective design standards on a project by project basis if they would prevent an otherwise eligible lot from being divided or prevent the construction of up to two units at least 800 square feet in size.

When considering whether SB 9 could apply or not, the first criteria to consider is whether or not the proposed parcel is in a single family zone. Parcels located in multifamily residential, commercial, agricultural, mixed-use etc., are not subject to the provisions of SB9 even if single family residential uses are allowed. In communities like Davis, there are multiple single family zones. In this case, staff has analyzed the zone district descriptions, as well as the land use designations in the General Plan Land Use Element to identify the zones where single family residential uses are the primary use and are therefore subject to SB9.

All applications received pursuant to SB9 must be considered ministerially, meaning no public hearing is required and no personal judgement as to the wisdom of the proposal is permitted. In other words, staff would merely ensure that the proposal meets all the applicable objective standards but applies no special discretion or judgement in reaching a decision. In these cases, a checklist would be provided and the staff person would ensure that each item on the checklist is met in the proposed plan.

The City has the ability to apply locally determined objective development standards (e.g. front setbacks, building heights etc.) objective subdivision standards (e.g. lot depth minimums) and objective design standards (e.g. roof pitch, eave projections) provided they do not physically preclude up to two primary units on the physical parcel or in the case of a lot split, up to two primary units on each of the resultant parcels. Additionally, the city must also allow each primary unit to be at least 800 square feet in size.

Objective zoning standards, objective subdivision standards and objective design standards must not involve the application of any personal or subjective judgement by the city. The state requires all objectives to be uniformly verifiable by reference to an external and uniform criterion available and knowable to an applicant and the city prior to submittal of an application. If any objective standard would physically preclude either or both of the objectives noted above, it must be modified or waived by the City in order to facilitate the development of the project with two possible exceptions;

1) Setbacks for Existing Structures. The city cannot require a new setback for an existing structure or for a new structure constructed in the same location and to

the same dimensions as an existing structure. In other words, the city must allow a residence to be reconstructed on the same footprint, even when it does not meet current setbacks.

2) Four Foot Side and Rear Yard Setbacks. SB9 establishes across the board a maximum of four foot side and rear yard setbacks. The city can choose to apply a lesser setback, but cannot require greater than 4 feet. Therefore, the existing side and rear yard setbacks in a single family zone would not apply to an SB9 application.

A two unit project must meet all of the following criteria. If a parcel cannot meet all of the criteria, it is not eligible for an SB9 application:

1. The parcel is in a designated single-family zone.
2. The parcel is not designated as prime farmland, farmland of statewide importance, or is land that is zoned or designated for agricultural protection or preservation by a local ballot measure.
3. The parcel does not contain a wetland, as defined by the U.S. Fish and Wildlife Service Manual, part 660 FW 2 (June 21, 1993).
4. The parcel is not within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
5. The parcel is not a hazardous waste site that is listed pursuant to Section 65962.5 or designated by the Department of Toxic Substance Control that has not been cleared by the State of California for residential use or residential mixed-uses.
6. The parcel is not within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection Building Code standards adopted by the California Building Standards Commission.
7. The parcel is not within a 100-year flood hazard area or regulatory floodway, as determined by the Federal Emergency Management Agency, unless the site has either:
    (i) Within a 100-year flood hazard area, has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
    (ii) Within a 100-year flood hazard area, meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
    (iii) Within a regulatory floodway, the development on the site has received a no-rise certification.

8. The parcel is land is not identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
9. The parcel does not include habitat for protected species identified as candidate, sensitive or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
10. The parcel is not under a conservation easement.
11. A parcel that is not listed as a historical resource on the State Historic Resources Inventory.
12. A parcel that is not designated by ordinance as a City or County landmark, a historic property or a historic district.
13. The two unit project is not within a contributing structure within a historic district included on the State Historic Resources Inventory

Furthermore, two unit projects must also not require the demolition of alteration of any of the following types of housing:

A) Housing that is income-restricted for households of moderate, low, or very low income.

B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.

C) Housing, or a parcel that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (California Government Code § 7060 through 7060.7) at any time in the 15 years prior to submission of the urban parcel split application.

D) Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two unit project is sought must provide a notarized statement as to this fact with the application for a two unit project.

Tentative Parcel Map Ordinance Amendment

The provisions of SB 9 also require an amendment to the parcel map provisions of the Davis Municipal Code (Chapter 36.) While the Planning Commission is not required by law to make a recommendation on this part of the Municipal Code, staff has chosen to present it to the Planning Commission to give a more complete understanding of the provisions of SB 9.

SB9 does not require the City to approve a parcel map that would result in the creation of more than two lots and more than two units on a lot resulting from a lot split, as enacted in Government Code section 66411.7. The City may choose to allow more than two units, but it is not required under the law. A parcel may only be subdivided once under Government Code section 66411.7. This provision prevents an applicant from pursuing multiple lot splits over time for the purpose of creating more than two lots.

SB9 also does not require a local agency to approve a lot split if an adjacent lot has been subject to a lot split in the past by the same property owner or a person working in concert with that same property owner.

SB9 and the Accessory Dwelling Unit (ADU) laws are designed to be complementary. The requirements of each can be implemented in ways that result in developments with both SB9 units and ADUs. However, specific provisions of SB9 and related ADU law typically overlap only to a limited extent and on a relatively small number of topics. Treating the provisions of these two laws as identical or substantially similar could lead to the City to implementing the laws in an overly restrictive or otherwise inaccurate way.

There are three types of housing units that are used in SB9 and in related ADU law. These are presented below to help clarify which development scenarios are possible, and which are not, by SB9. The following are the definitions used in this example.

Primary Unit- A primary unit is typically a single family residence or a residential unit in a multifamily residential development. A primary unit is distinct from an ADU or a Junior ADU (JADU.) Examples of primary units include a single family residence, a duplex, or a four-plex.

ADU – An ADU is either an attached or detached, fully independent residential dwelling unit. It is designed to house one or two persons and is located on a lot with a primary residence. It includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel on which the single family or multifamily dwelling is located.

JADU - A JADU is a unit that is no more than 500 square feet in size and contained entirely within a single family residence. A JADU can have separate or shared sanitation facilities with the primary structure and it must have its own entrance.

ADUs can be combined with primary units in a variety of ways to achieve the maximum unit count provided for under SB9. SB9 allows for up to four units to be built in the same lot area typically used for a single family home. The calculation varies slightly depending on whether a lot split (or parcel map) is involved, but the outcomes regarding the total maximum unit counts are identical. See example combinations provided in the tables below.

Lot Split/Parcel Map Included

When a lot split occurs under SB9, the City must allow up to two units on each lot resulting from the lot split. However, future lot splits would be prohibited. In this situation, all three unit types (ie. Primary, ADU and JADU) count toward this two unit limit. For example, the limit could be reached on each resultant lot by creating two primary units, or a primary unit and an ADU or a primary unit and a JADU. By building two units on each resultant lot, the maximum overall of four units allowed by SB9 is

achieved (Govt. Code Section 66411.7.j). It is an option for the City to choose to allow more than two units per lot if desired.

No Lot Split/No Parcel Map Included

When no lot split has occurred, the lot is eligible to receive ADUs and/or JADUs in the same manner as permitted under the ADU ordinance. Unlike a project that includes a lot split, the City must allow in addition to one or two primary units as allowed under SB9, ADUs or JADUs under ADU law. There are many combinations of the resultant unit mix as allowed under the ADU ordinance. However, in no case does SB9 require the city to allow more than 4 units on a single lot, in any combination of primary units, ADUs, and JADUs. The following tables and depictions summarize example combinations.

Example of SB9 Duplex with 2 ADUs

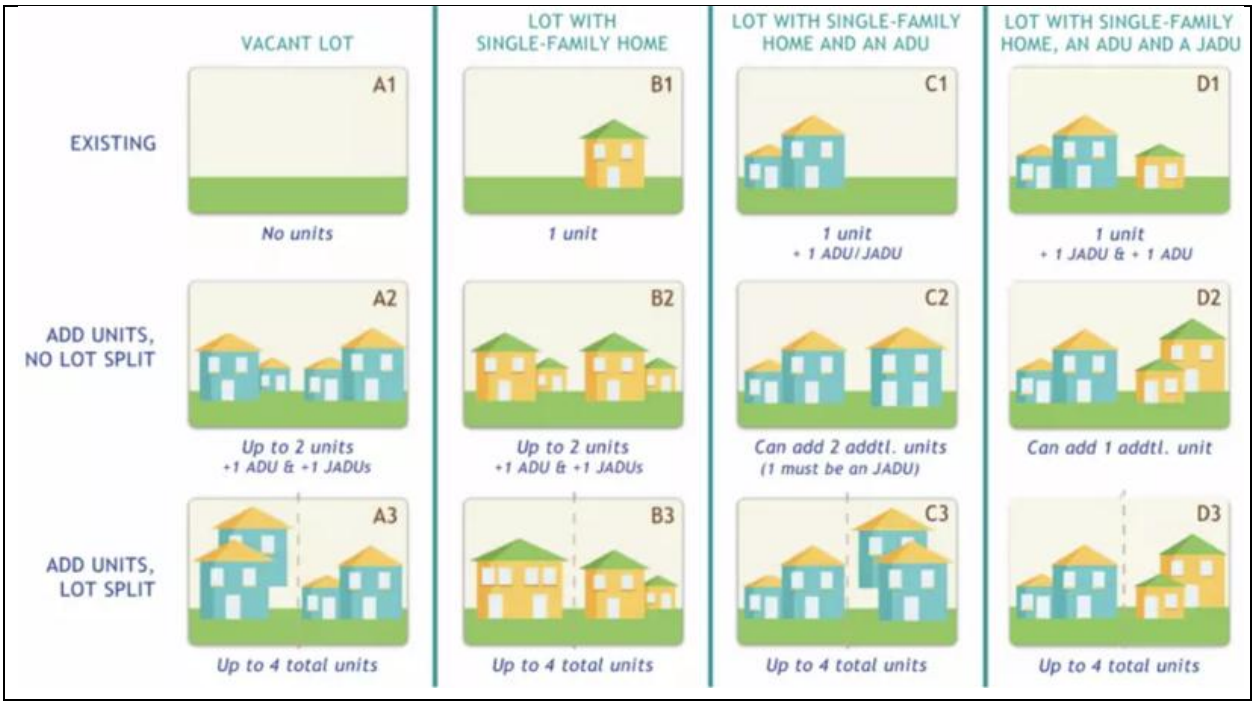
Existing Lot with (1) Primary Unit
(1) Existing Primary Unit
(1) New Second Unit (duplex to primary unit)
(2) New ADUs (combination of detached ADU, converted ADU, or JADU)
4 Units Total Allowed

Example of SB9 Lot Split with 2 ADUs

Existing Lot with (1) Primary Unit	
SB9 Lot 1	SB9 Lot 2
(1) Existing Primary Unit	(1) New Primary Unit
(1) New ADU or JADU	(1) New ADU or JADU
2 Units on Lot 1	2 Units on Lot 2
4 Units Total Allowed	

Example of SB9 Lot Split with 2 Duplexes

Existing Lot with (1) Primary Unit	
SB9 Lot 1	SB9 Lot 2
(1) Existing Primary Unit	(1) New Primary Unit
(1) New Second Unit (duplex)	(1) New Second Unit (duplex)
No ADUs allowed	No ADUs allowed
2 Units on Lot 1	2 Units on Lot 2
4 Units Total Allowed	



SB 9 Infographic (*Source: Santa Clara County Planning*)

Proposed Ordinance Amendments

The following is a section by section explanation of what is being amended, why staff is recommending, and whether or not the proposed amendment is per the requirements of SB9.

Section 40.01.010 Two Unit project

Section 40.01 of the Davis Municipal Code contains the definitions used in the Zoning Ordinance. The proposed definition of a Two Unit project directly reflects the provisions of Government Code Section 65852.21 (SB9.) Staff purposefully reflected the State Code for the definition due the possibility that it could be amended later. This amendment is required by State Law. It should be further noted that staff has learned that HCD staff have supported the interpretation the definition allows for the ministerial approval of a scrape and rebuild under SB9.

Section 40.03.010 Purpose (of the R-1 district)

Section 40.03.010 contains the purpose statement of the R-1 zone district. Staff recommends the elimination of the statement, “to stabilize and protect the residential characteristics of the district” and the zone is intended for, “single family” housing. The actual language is shown below.

The revised purpose language is more consistent with the types of uses that could be found in the zone after the implementation of SB9. However, the amendment is not required by SB9.

§40.03.010 **Purpose.**
The purpose of a residential one-family (R-I) district is to ~~stabilize and protect the residential characteristics of the district and to~~ promote and encourage a suitable environment for family life. The R-1 district is intended for ~~single family~~ housing and services appurtenant thereto.

Section 40.03.020 Permitted Uses (of the R-1 district)
Staff is recommending an amendment to Section 40.03.020 Permitted Uses, which would eliminate the use, "Agriculture, except the raising of animals and fowl for commercial purposes or the sale of any products at retail on the premises." Staff is unaware of any existing Agriculture use in single family zones making the use obsolete. Agriculture is defined as,

> The use of the land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry and the necessary accessory uses for storing produce; provided, that the operation of any such accessory use shall be secondary to that of normal agricultural activities; and provided further, that the above uses shall not include stockyards or the commercial feeding of garbage or offal to swine or other animals.

Staff also recommends that the use, "Two Unit Project" be added as a permitted use in the R-1 zone. This provision would make a Two Unit Project allowed by right consistent with SB9. Additionally, SB9 requires the identification of those zones where it will be applied. The amendment will allow the provisions of SB9 to apply in the R-1 zone.

Section 40.04.010 Purpose (of the R-2 district)
Staff recommends an amendment to the purpose of the R-2 district for similar reasons as for the R-1 district discussed above. This amendment is not required by SB9.

Section 40.04.020 Permitted Uses (of the R-2 district)
Staff recommends that the first listed use, "Up to two single family dwellings …." be eliminated with the proposed amendment and replaced with the use, "Two Unit project." While the two uses may seem similar, the new definition ensures that the provisions of SB9 are invoked if someone applies to put two houses on a parcel. The addition of Two Unit project as a permitted use also ensures that the provisions of SB9 are applied in the R-2 zone. Staff is also recommending the elimination of Agriculture as a permitted use in the R-2 zone for the same reasons as in the R-1 zone.

Section 40.04A.010 Purpose (of the R-2-CD district)
Staff recommends an amendment to the purpose of the R-2-CD district for similar reasons as for the R-1 district discussed above. This amendment is not required by SB9.

Section 40.04A.020 Permitted Uses (of the R-2-CD district)

Staff recommends an amendment to the Permitted Uses of the R-2-CD district for similar reasons as for the R-2 district discussed above. The addition of Two Unit project as a permitted use also ensures that the provisions of SB9 are applied in the R-2-CD zone.

Section 40.06.010 Purpose (of the R-R district)
Staff recommends an amendment to the purpose of the R-R district for similar reasons as for the R-1 district discussed above. This amendment is not required by SB9.

Section 40.06.020 Permitted Uses (of the R-R district)
Staff recommends an amendment to the Permitted Uses of the R-R district for similar reasons as for the R-2 district discussed above. The addition of Two Unit project as a permitted use also ensures that the provisions of SB9 are applied in the R-R zone.

Section 40.07.010 Purpose (of the R-2-MH district)
Staff recommends two amendments to this section of the zoning ordinance for the following reasons. The first amendment eliminates the need to provide appropriate conditions for parking as the City of Davis no longer requires parking with its projects. The second amendment eliminates the sentence that states that subletting of mobile home spaces is not allowed. According to the City Attorney's office, the city does not have legal authority to regulate this.

> The purpose of a residential one-and two-family and mobile home (R-2-MH) district is to provide areas where, with appropriate conditions relating to size, location, landscaping, density, ~~off-street parking,~~ open spaces and traffic circulation, mobile home parks can be maintained harmoniously with residential one-and two-family residences. ~~Mobile home spaces shall be leased for mobile homes possessed by the individual lessee, but there shall be no subletting of the same nor shall the renting or leasing of mobile homes be permitted by the owner or operator of the mobile home park.~~ Such districts shall be situated in transitional areas wherein changes from low density residential to higher density residential, commercial or industrial uses are being accomplished.

Section 40.07.020 Permitted Uses (of the R-2-MH district)
Staff recommends an amendment to the Permitted Uses of the R-2-MH district for similar reasons as the R-2 district discussed above. The addition of Two Unit project as a permitted use also ensures that the provisions of SB9 are applied in the R-2-CD zone.

Section 40.26.480 Two Unit Projects
The majority of the provisions of Section 40.26.480 are required by SB9. This section outlines the purpose, requirements of application, time frames for approval, prohibitions and development standards. With the exception of the items discussed below, SB9 requires the included provisions.

Section 40.26.480(d)(6)(B) Parcel Coverage
This section proposes to allow structures to cover a maximum of 50% of the total parcel area provided that the application of the standard does not prevent the construction of two primary dwelling units at 800 square foot each. Staff recommends this small increase above the adopted standards (40% verses 50%) to accommodate the increased density of the potential projects. The City has the option to not specifically permit the increased lot coverage. However, in no case can the City deny the construction of two units at 800 square feet each.

Section 40.26.480 (d) Requirements
Under Government Code Section 65852.21, the City has the option to preclude the construction of ADUs and JADUs on parcels that make use of both the SB9 two unit provision and the SB9 lot split. In other words, if a person wants to split the property in half, build two units on each lot, the maximum number of units allowed under SB9 has been reached. The City can choose to allow for more ADU and JADU construction on each half of the divided lot. Or, it can choose to not allow for more units.

Staff recommends that the Planning Commission deliberate and make a recommendation to the City Council on this issue. It should be noted that while it may be physically possible to add additional units to a parcel, the City's utility infrastructure may not be able to handle the additional load from even more units.

To give an example of the achievable density, a 6,000 square foot lot with a resultant 4 units on it achieves a density of approximately 29 dwelling units per acre.
(43,560 s.f. divided by 6,000 s.f. = 7.26 lots per acre. 7.26 x 4 = 29 units / acre)

In this example, in the area taken up by 7.26 single family lots based on existing zoning, the increase could yield up to 29 units.

COMMISSION INPUT
This item has not been discussed by any other City commissions.

PUBLIC NOTICING
This Planning Commission hearing was publicly noticed in accordance with City noticing requirements which included publishing in the Davis Enterprise. The notice was also posted online. No public comments on the hearing were received at the time the staff report was prepared.

ENVIRONMENTAL REVIEW
This Ordinance is exempt from the requirements of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because this Ordinance implements the ministerial processing of two-unit projects in a single-family zone pursuant to Senate Bill 9 as set forth in Government Code Sections 65852.21 and is therefore exempt from CEQA pursuant to Government Code Section 65852.21(k) and CEQA Guidelines Section 15060(c)(3). In addition, this Ordinance is exempt from

further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that amendments to the City's zoning regulations in accordance with State Law will have a significant effect on the environment.

ATTACHMENTS

1. Planning Commission Resolution Recommending Approval of an Ordinance Amending Chapter 40 regarding Two Unit Projects in Single-Family Zones

    - Exhibit A – City Council Ordinance Regarding Two Unit Projects

2. REDLINE Version of Draft Ordinance Regarding Two Unit Projects

3. Table Summary of SB9 Ordinance Amendments based on State vs Local Requirements

ATTACHMENT 1

RESOLUTION NO. 26-____, SERIES 2026

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DAVIS RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING CHAPTER 40 OF THE CITY OF DAVIS MUNICIPAL CODE REGARDING TWO UNIT PROJECTS

WHEREAS, the General Plan of the City of Davis, Implementation Goal 1 is to, “Maintain the General Plan and the City's overall planning process as a dynamic, responsive document”; and

WHEREAS, Action Item e., under Implementation Goal 1 is to, “Modify and improve programs based on the periodic evaluations”; and

WHEREAS, it is the purpose of the Zoning Ordinance of the City of Davis to establish a precise and detailed plan for the use of land in the City based on the General Plan; and

WHEREAS, Chapter 40 of the Davis Municipal Code establishes various zones, permitted and conditional uses, development standards and entitlement process procedures to promote the orderly and harmonious growth of the City and the stability of land values and investments and the general welfare of the City; and

WHEREAS, the procedures set forth in Chapter 40 provide for a process to review the proposed residential, commercial and industrial projects and to ensure that the architectural design of the proposed project is suitable for purposes of the building and the site and will enhance the character of the neighborhood and community, and will ensure that the proposed use is compatible with the existing properties and anticipated future developments within the; and

WHEREAS, Senate Bill 9, which was signed into law by the State of California, requires cities to ministerially approve in single-family residential zones, housing developments containing no more than two residential units and parcel maps for urban lot splits; and

WHEREAS, there is a need to update the Zoning Ordinance from time to time and to bring it into compliance with state law; and

WHEREAS, the Planning Commission therefore finds that this ordinance is necessary for the maintenance and preservation of the health, safety and welfare of the City; and

WHEREAS, on October 28, 2026 the Planning Commission held a duly noticed public hearing to receive public comments and to consider a recommendation to the City Council for an amendment to Davis Municipal Code Chapter 40.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Davis finds the recitals set forth above are true and correct and are incorporated herein and does hereby resolve and find as follows:

SECTION 1. FINDINGS

1. The ordinance amendment is in general conformance with the City General Plan and applicable Specific Plans.

2. The ordinance amendment promotes the public necessity, convenience, and general welfare in that the regulations will clarify city processes and requirements, implement city policies, and ensure compliance with applicable health and safety codes.

3. The ordinance amendment is exempt from the requirements of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because this Ordinance implements the ministerial processing of two-unit projects in a single-family zone pursuant to Senate Bill 9 as set forth in Government Code Sections 65852.21 and is therefore exempt from CEQA pursuant to Government Code Section 65852.21(k) and CEQA Guidelines Section 15060(c)(3). In addition, the Ordinance is exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that amendments to the City's zoning regulations in accordance with State Law will have a significant effect on the environment.

SECTION 2. APPROVAL

1. Recommend City Council approval of the Ordinance amending Chapter 40 of the City of Davis Municipal Code regarding two unit projects, provided as Exhibit A.

PASSED AND ADOPTED by the Planning Commission of the City of Davis on this 28th day of October, 2026, by the following vote:

AYES:

NOES:

ABSENT:

Michelle Weiss
Chair

ATTEST:

Mari Vidales
Planning Commission Clerk

The presence of digital signatures certifies that the foregoing is a true and correct copy as approved by the City of Davis Planning Commission.

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS AMENDING ARTICLE 40 OF THE DAVIS MUNICIPAL CODE REGARDING TWO UNIT PROJECTS

WHEREAS, the General Plan of the City of Davis, Implementation Goal 1 is to, “Maintain the General Plan and the City's overall planning process as a dynamic, responsive document,”; and

WHEREAS, Action Item e., under Implementation Goal 1 is to, “Modify and improve programs based on the periodic evaluations”; 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

WHEREAS, Article 40 of the Davis Municipal Code establishes various zones, permitted and conditional uses, development standards and entitlement process procedures to promote the orderly and harmonious growth of the city and the stability of land values and investments and the general welfare of the city; and

WHEREAS, the procedures set forth in Article 40 provide for a process to review the proposed residential, commercial and industrial projects and to ensure that the architectural design of the proposed project is suitable for purposes of the building and the site and will enhance the character of the neighborhood and community, and will ensure that the proposed use is compatible with the existing properties and anticipated future developments within the; and

WHEREAS, the City Council finds that there is a need to update from time to time, and to bring the ordinance into compliance with state law, those provisions which have been found to ineffectively promote the general welfare of the city and hamper general economic development; and

WHEREAS, the City Council therefore finds that this Ordinance is necessary for the maintenance and preservation of the health, safety and welfare of the City; and

WHEREAS, on October 28, 2026 the Planning Commission held a public hearing and voted _____ to recommend City Council approval of concepts for changes to the review and standards for two unit projects pursuant to Senate Bill 9; and

WHEREAS, on the ___ of _____, 2026, the City Council held a public hearing and considered the Planning Commission’s input regarding the review and standards for two-unit projects pursuant to Senate Bill 9; and

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

SECTION 1. The recitals set forth above are true and correct and are incorporated herein.

SECTION 2. Section 40.01.010 (Definitions) of Article 40.01 (In General) of Chapter 40 (Zoning) of the Davis Municipal Code is hereby amended to add the following definition in alphabetical order:

> Two unit project means the development of no more than two dwelling units within a single family zone consistent with Section 40.26.480 of this code and California Government Code Section 65852.21.

SECTION 3. Sections 40.03.010 (Purpose) and 40.03.020 (Permitted uses) of Article 40.03 (Residential One-Family (R-1) District) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

> §40.03.010 **Purpose.**
> The purpose of a residential one-family (R-l) district is to promote and encourage a suitable environment for family life. The R-1 district is intended for housing and services appurtenant thereto.
>
> §40.03.020 **Permitted uses.**
> The principal uses of land in an R-1 district are as follows:
> (a) Single-family dwellings with five or fewer bedrooms.
> (b) Two unit project.
> (c) Family and group day care homes as defined in Section 40.26.270.
> (d) Group care homes with six or fewer clients.
> (e) Supportive housing.
> (f) Transitional housing.

SECTION 4. Sections 40.04.010 (Purpose) and 40.04.020 (Permitted uses) of Article 40.04 (Residential One- and Two-Family (R-2) Districts) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

> 40.04.010 **Purpose.**
> The purpose of a residential one-and two-family (R-2) district is to promote and encourage a suitable environment for family life. The R-2 district is intended for residences and community services appurtenant thereto.
>
> 40.04.020 **Permitted uses.**
> The principal permitted uses of land in an R-2 district are as follows:
> (a) Two unit project.
> (b) Duplex or two-family dwellings provided each unit has five or fewer bedrooms.
> (c) Family and group day care homes as defined in Section 40.26.270.
> (d) Group care homes with six or fewer clients.
> (e) Supportive housing.

(f) Transitional housing.

SECTION 5. Sections 40.04A.010 (Purpose) and 40.04A.020 (Permitted uses) of Article 40.04A (Residential One- and Two-Family Conservation (R-2-CD) District) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

40.04A.010 **Purpose.**
The purpose of the residential one and two-family conservation district (R-2-CD) is to foster the historic residential characteristics of the Old North Davis and Old East Davis residential neighborhoods within the city's adopted conservation overlay zoning district, and to promote and encourage a suitable environment for residential living. The R-2-CD district is intended for residences and community services appurtenant thereto.

40.04A.020 **Permitted uses.**
The principal permitted uses of land in an R-2-CD district are as follows:
(a) Two unit project.
(b) Duplex or two-family dwellings provided each unit has five or fewer bedrooms.
(c) Family and group day care homes as defined in Section 40.26.270 of this chapter.
(d) Group care homes with six or fewer clients.
(e) Supportive housing.
(f) Transitional housing.

SECTION 6. Sections 40.06.010 (Purpose) and 40.06.020 (Permitted Uses) of Article 40.06 (Residential Restricted (R-R) District) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

40.06.010 **Purpose.**
The purpose of a residential restricted (R-R) district is to promote university oriented uses and to foster new uses that harmonize with the existing development in terms of architectural design and general landscaping plan.

40.06.020 **Permitted uses**.
The principal permitted uses in an R-R district are as follows:
(a) Single-family dwellings with five or fewer bedrooms.
(b) Family and group day care homes as defined in Section 40.26.270.
(c) Group care homes with six or fewer clients.
(d) Supportive housing.
(e) Transitional housing.
(f) Two unit project.

SECTION 7. Sections 40.07.010 (Purpose) and 40.07.020 (Permitted uses) of Article 40.07 (Residential One- and Two-Family and Mobile Home (R-2-MH) District) of

Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

40.07.010 **Purpose.**
The purpose of a residential one-and two-family and mobile home (R-2-MH) district is to provide areas where, with appropriate conditions relating to size, location, landscaping, density, open spaces and traffic circulation, mobile home parks can be maintained harmoniously with residential one-and two-family residences. Such districts shall be situated in transitional areas wherein changes from low density residential to higher density residential, commercial or industrial uses are being accomplished.

40.07.020 **Permitted uses.**
The principal permitted uses in an R-2-MH district are as follows:
(a) Single-family dwellings.
(b) Duplex or two-family dwellings.
(c) Family and group day care homes as defined in Section 40.26.270.
(d) Group care homes with six or fewer clients.
(e) Supportive housing.
(f) Transitional housing.
(g) Two unit project.

SECTION 8. Section 40.26.480 is hereby added to Article 40.26 (Special Uses) of Chapter 40 (Zoning) to read as follows:

40.26.480 **Two Unit Projects.**

(a) **Purpose.** The purpose of this section is to allow and appropriately regulate two unit projects in accordance with California Government Code 65852.21.

(b) **Application.**

(1) An application for a two-unit project must be submitted on the City's approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

(2) The City may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the Zoning Code, in accordance with applicable law. The City Council may establish and change the fee by resolution. The fee must be paid with the application.

(c) **Approval.** An application for a two-unit project shall be approved or denied ministerially by the Community Development Director within 60 days from the date the City receives a completed application.

(d) **Requirements.** A two-unit project must satisfy each of the following requirements:

(1) **Map Act Compliance.** The parcel must have been legally subdivided.

(2) **Zone.** The parcel is located in a single-family residential zone, which includes the R-1, R-2, R-2CD, R-R, and R-2 MH zones and all Planned Development zones wherein one of the listed zones is used as the base zone for that Planned Development.

(3) **Parcel Location**. The parcel may not contain any of the following features or be designated as any of the following:

(A) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by a local ballot measure.

(B) A wetland, as defined by the U.S. Fish and Wildlife Service Manual, part 660 FW 2 (June 21, 1993).

(C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

(D) A hazardous waste site that is listed pursuant to Section 65962.5 or designated by the Department of Toxic Substance Control that has not been cleared by the State of California for residential use or residential mixed-uses.

(E) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection Building Code standards adopted by the California Building Standards Commission.

(F) Within a 100-year flood hazard area or regulatory floodway, as determined by the Federal Emergency Management Agency, unless the site has either:

(i) Within a 100-year flood hazard area, has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
(ii) Within a 100-year flood hazard area, meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
(iii) Within a regulatory floodway, the development on the site has received a no-rise certification.

(G) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

(H) Habitat for protected species identified as candidate, sensitive or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.

(I) Land under conservation easement.

(4) **Historic Resources and Districts**. The two-unit project must not be located on any of the following:

(A) A parcel that is listed as a historical resource included in the State Historic Resources Inventory.

(B) A parcel that is designated by ordinance as a City or County landmark, a historic property, or a historic district.

(C) A contributing structure that is within a historic district included on the State Historic Resources Inventory.

(5) **No Impact on Protected Housing**. The two-unit project must not require or include the demolition or alteration of any of the following types of housing:

(A) Housing that is income-restricted for households of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.

(C) Housing, or a parcel that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (California Government Code § **7060** through **7060.7**) at any time in the 15 years prior to submission of the urban parcel split application.

(D) Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a notarized statement as to this fact with the application for a two unit project.

(6) **Development Standards**. Two-unit projects shall comply with the objective development standards applicable in the zone in which the project is to be constructed, except as otherwise provided in this subparagraph (6), to the extent the standards do not physically preclude construction of up to two units

or physically preclude either of the two units from being at least 800 square feet in floor area with four foot side and rear setbacks.

If a project is located within a Planned Development zone that contains adopted design guidelines for architecture, said adopted design guidelines must be adhered to to the extent the standards do not physically preclude construction of up to two units or physically preclude either of the two units from being at least 800 square feet in floor area with four foot side and rear setbacks.

(A) **Unit Size**.

(i) New dwelling units are subject to the development standards applicable in the zone where they are to be constructed.
(ii) Exception. One or both primary dwelling units may be expanded if able to meet parcel coverage and setback requirements.

(B) **Parcel Coverage.** Structures shall not cover more than 50% of the total parcel area. This parcel coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the parcel at 800 square feet each.

(C) **Setbacks.**

(i) No new setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

(ii) Dwellings must be at least four feet from the interior side and rear property lines.

(7) **Utilities.** Each primary dwelling unit on the parcel must have its own direct utility connection to the utility service provider.

(8) **No Short-Term Rentals**. No dwelling unit on the parcel may be rented for a period of less than 30 days.

(9) **Specific Adverse Impacts**. Notwithstanding anything else in this section, the City may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

"Specific adverse impact" has the same meaning as in Government Code §**65589.5(d)(2)**: a significant, quantifiable, direct, and unavoidable impact,

based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include: (i) inconsistency with this Zoning Code or General Plan land use designation; or (ii) the eligibility to claim a welfare exemption under Revenue and Taxation Code §**214(g)**.

SECTION 9. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (California Public Resources Code §§21000, et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations §§15000, et seq.) because this Ordinance implements the ministerial processing of two-unit projects in a single-family zone pursuant to Senate Bill 9 as set forth in Government Code Sections 65852.21 and is therefore exempt from CEQA pursuant to Government Code Section 65852.21(k) and CEQA Guidelines Section 15060(c)(3). In addition the City Council finds that this Ordinance is exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that amendments to the City's zoning regulations in accordance with State Law will have a significant effect on the environment.

SECTION 10. This Ordinance shall take effect thirty (30) days after passage.

SECTION 11. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance or a summary thereof to be published as required by law.

INTRODUCED on the ____th day of _____ 2026, and **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Davis on this ___th day of _____ 2026, by the following vote:

AYES:

NOES:

ABSENT:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

ATTACHMENT 2

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS AMENDING ARTICLE 40 OF THE DAVIS MUNICIPAL CODE REGARDING TWO UNIT PROJECTS

WHEREAS, the General Plan of the City of Davis, Implementation Goal 1 is to, “Maintain the General Plan and the City's overall planning process as a dynamic, responsive document,”; and

WHEREAS, Action Item e., under Implementation Goal 1 is to, “Modify and improve programs based on the periodic evaluations”; 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

WHEREAS, Article 40 of the Davis Municipal Code establishes various zones, permitted and conditional uses, development standards and entitlement process procedures to promote the orderly and harmonious growth of the city and the stability of land values and investments and the general welfare of the city; and

WHEREAS, the procedures set forth in Article 40 provide for a process to review the proposed residential, commercial and industrial projects and to ensure that the architectural design of the proposed project is suitable for purposes of the building and the site and will enhance the character of the neighborhood and community, and will ensure that the proposed use is compatible with the existing properties and anticipated future developments within the; and

WHEREAS, the City Council finds that there is a need to update from time to time, and to bring the ordinance into compliance with state law, those provisions which have been found to ineffectively promote the general welfare of the city and hamper general economic development; and

WHEREAS, the City Council therefore finds that this Ordinance is necessary for the maintenance and preservation of the health, safety and welfare of the City; and

WHEREAS, on October 28, 2026 the Planning Commission held a public hearing and voted _____ to recommend City Council approval of concepts for changes to the review and standards for two unit projects pursuant to Senate Bill 9; and

WHEREAS, on the ___ of _____, 2026, the City Council held a public hearing and considered the Planning Commission’s input regarding the review and standards for two-unit projects pursuant to Senate Bill 9; and

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

SECTION 1. The recitals set forth above are true and correct and are incorporated herein.

SECTION 2. Section 40.01.010 (Definitions) of Article 40.01 (In General) of Chapter 40 (Zoning) of the Davis Municipal Code is hereby amended to add the following definition in alphabetical order:

Two unit project means the development of no more than two dwelling units within a single family zone consistent with Section 40.26.480 of this code and California Government Code Section 65852.21.

SECTION 3. Sections 40.03.010 (Purpose) and 40.03.020 (Permitted uses) of Article 40.03 (Residential One-Family (R-1) District) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

§40.03.010 **Purpose.**
The purpose of a residential one-family (R-l) district is to ~~stabilize and protect the residential characteristics of the district and to~~ promote and encourage a suitable environment for family life. The R-1 district is intended for ~~single family~~ housing and services appurtenant thereto.

§40.03.020 **Permitted uses.**
The principal uses of land in an R-1 district are as follows:
(a) Single-family dwellings with five or fewer bedrooms.
~~(b) Agriculture, except the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.~~
(b) Two unit project.
(c) Family and group day care homes as defined in Section 40.26.270.
(d) Group care homes with six or fewer clients.
(e) Supportive housing.
(f) Transitional housing.

SECTION 4. Sections 40.04.010 (Purpose) and 40.04.020 (Permitted uses) of Article 40.04 (Residential One- and Two-Family (R-2) Districts) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

40.04.010 **Purpose.**
The purpose of a residential one-and two-family (R-2) district is to ~~stabilize and protect the residential characteristics of the district and to~~ promote and encourage a suitable environment for family life. The R-2 district is intended for residences and community services appurtenant thereto.

40.04.020 **Permitted uses.**
The principal permitted uses of land in an R-2 district are as follows:

(a) ~~Up to two single-family dwellings per parcel provided each unit has five or fewer bedrooms. If two single-family dwellings are located on one parcel, they shall be exempt from the requirements of Sections **40.04.060 (a)** and **(b)** of this article~~.
(a) Two unit project.
(b) Duplex or two-family dwellings provided each unit has five or fewer bedrooms.
~~(c) Agriculture, except the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.~~
(c) Family and group day care homes as defined in Section 40.26.270.
(d) Group care homes with six or fewer clients.
(e) Supportive housing.
(f) Transitional housing.

SECTION 5. Sections 40.04A.010 (Purpose) and 40.04A.020 (Permitted uses) of Article 40.04A (Residential One- and Two-Family Conservation (R-2-CD) District) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

40.04A.010 **Purpose.**
The purpose of the residential one and two-family conservation district (R-2-CD) is to ~~stabilize and protect~~ foster the historic residential characteristics of the Old North Davis and Old East Davis residential neighborhoods within the city's adopted conservation overlay zoning district, and to promote and encourage a suitable environment for residential living. The R-2-CD district is intended for residences and community services appurtenant thereto.

40.04A.020 **Permitted uses.**
The principal permitted uses of land in an R-2-CD district are as follows:
~~(a) Up to two single-family dwellings per parcel provided each unit has five or fewer bedrooms.~~
(a) Two unit project.
(b) Duplex or two-family dwellings provided each unit has five or fewer bedrooms.
~~(b) Agriculture, except the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.~~
(c) Family and group day care homes as defined in Section 40.26.270 of this chapter.
(d) Group care homes with six or fewer clients.
(e) Supportive housing.
(f) Transitional housing.

SECTION 6. Sections 40.06.010 (Purpose) and 40.06.020 (Permitted Uses) of Article 40.06 (Residential Restricted (R-R) District) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

40.06.010 **Purpose.**
The purpose of a residential restricted (R-R) district is ~~to stabilize and protect the residential character of the district,~~ to promote university oriented uses and to ~~insure~~

~~that~~ foster new uses that harmonize with the existing development in terms of architectural design and general landscaping plan.

40.06.020 **Permitted uses.**
The principal permitted uses in an R-R district are as follows:
(a) Single-family dwellings with five or fewer bedrooms.
(b) Family and group day care homes as defined in Section 40.26.270.
(c) Group care homes with six or fewer clients.
(d) Supportive housing.
(e) Transitional housing.
(f) Two unit project.

SECTION 7. Sections 40.07.010 (Purpose) and 40.07.020 (Permitted uses) of Article 40.07 (Residential One- and Two-Family and Mobile Home (R-2-MH) District) of Chapter 40 (Zoning) of the Davis Municipal Code are hereby amended to read as follows:

40.07.010 **Purpose.**
The purpose of a residential one-and two-family and mobile home (R-2-MH) district is to provide areas where, with appropriate conditions relating to size, location, landscaping, density, ~~off-street parking,~~ open spaces and traffic circulation, mobile home parks can be maintained harmoniously with residential one-and two-family residences. ~~Mobile home spaces shall be leased for mobile homes possessed by the individual lessee, but there shall be no subletting of the same nor shall the renting or leasing of mobile homes be permitted by the owner or operator of the mobile home park.~~ Such districts shall be situated in transitional areas wherein changes from low density residential to higher density residential, commercial or industrial uses are being accomplished.

40.07.020 **Permitted uses**.
The principal permitted uses in an R-2-MH district are as follows:
(a) Single-family dwellings.
(b) Duplex or two-family dwellings.
~~(c) Agriculture, except the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises.~~
(d) Family and group day care homes as defined in Section 40.26.270.
(e) Group care homes with six or fewer clients.
(f) Supportive housing.
(g) Transitional housing.
(h) Two unit project.

SECTION 8. Section 40.26.480 is hereby added to Article 40.26 (Special Uses) of Chapter 40 (Zoning) to read as follows:

40.26.480 **Two Unit Projects.**

(a) **Purpose.** The purpose of this section is to allow and appropriately regulate two unit projects in accordance with California Government Code 65852.21.

(b) **Application.**

(1) An application for a two-unit project must be submitted on the City's approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.

(2) The City may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the Zoning Code, in accordance with applicable law. The City Council may establish and change the fee by resolution. The fee must be paid with the application.

(c) **Approval.** An application for a two-unit project shall be approved or denied ministerially by the Community Development Director within 60 days from the date the City receives a completed application.

(d) **Requirements.** A two-unit project must satisfy each of the following requirements:

(1) **Map Act Compliance.** The parcel must have been legally subdivided.

(2) **Zone.** The parcel is located in a single-family residential zone, which includes the R-1, R-2, R-2CD, R-R, and R-2 MH zones and all Planned Development zones wherein one of the listed zones is used as the base zone for that Planned Development.

(3) **Parcel Location**. The parcel may not contain any of the following features or be designated as any of the following:

(A) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by a local ballot measure.

(B) A wetland, as defined by the U.S. Fish and Wildlife Service Manual, part 660 FW 2 (June 21, 1993).

(C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

(D) A hazardous waste site that is listed pursuant to Section 65962.5 or designated by the Department of Toxic Substance Control that has not

been cleared by the State of California for residential use or residential mixed-uses.

(E) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection Building Code standards adopted by the California Building Standards Commission.

(F) Within a 100-year flood hazard area or regulatory floodway, as determined by the Federal Emergency Management Agency, unless the site has either:

(i) Within a 100-year flood hazard area, has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction; or
(ii) Within a 100-year flood hazard area, meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
(iii) Within a regulatory floodway, the development on the site has received a no-rise certification.

(G) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

(H) Habitat for protected species identified as candidate, sensitive or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.

(I) Land under conservation easement.

(4) **Historic Resources and Districts**. The two-unit project must not be located on any of the following:

(A) A parcel that is listed as a historical resource included in the State Historic Resources Inventory.

(B) A parcel that is designated by ordinance as a City or County landmark, a historic property, or a historic district.

(C) A contributing structure that is located within a historic district included on the State Historic Resources Inventory.

(5) **No Impact on Protected Housing**. The two-unit project must not require or include the demolition or alteration of any of the following types of housing:

(A) Housing that is income-restricted for households of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.

(C) Housing, or a parcel that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (California Government Code § **7060** through **7060.7**) at any time in the 15 years prior to submission of the urban parcel split application.

(D) Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a notarized statement as to this fact with the application for a two unit project.

(6) **Development Standards**. Two-unit projects shall comply with the objective development standards applicable in the zone in which the project is to be constructed, except as otherwise provided in this subparagraph (6), to the extent the standards do not physically preclude construction of up to two units or physically preclude either of the two units from being at least 800 square feet in floor area with four foot side and rear setbacks.

If a project is located within a Planned Development zone that contains adopted design guidelines for architecture, said adopted design guidelines must be adhered to to the extent the standards do not physically preclude construction of up to two units or physically preclude either of the two units from being at least 800 square feet in floor area with four foot side and rear setbacks.

(A) **Unit Size**.

(i) New dwelling units are subject to the development standards applicable in the zone where they are to be constructed.
(ii) Exception. One or both primary dwelling units may be expanded if able to meet parcel coverage and setback requirements.

(B) **Parcel Coverage.** Structures shall not cover more than 50% of the total parcel area. This parcel coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the parcel at 800 square feet each.

(C) **Setbacks.**

(i) No new setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.

(ii) Dwellings must be at least four feet from the interior side and rear property lines.

(7) **Utilities.** Each primary dwelling unit on the parcel must have its own direct utility connection to the utility service provider.

(8) **No Short-Term Rentals**. No dwelling unit on the parcel may be rented for a period of less than 30 days.

(9) **Specific Adverse Impacts**. Notwithstanding anything else in this section, the City may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

"Specific adverse impact" has the same meaning as in Government Code §**65589.5(d)(2)**: a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include: (i) inconsistency with this Zoning Code or General Plan land use designation; or (ii) the eligibility to claim a welfare exemption under Revenue and Taxation Code §**214(g)**.

SECTION 9. The City Council hereby finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act (California Public Resources Code §§21000, et seq.) ("CEQA") and the CEQA Guidelines (14 California Code of Regulations §§15000, et seq.) because this Ordinance implements the ministerial processing of two-unit projects in a single-family zone pursuant to Senate Bill 9 as set forth in Government Code Sections 65852.21 and is therefore exempt from CEQA pursuant to Government Code Section 65852.21(k) and CEQA Guidelines Section 15060(c)(3). In addition the City Council finds that this Ordinance is exempt from further environmental review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that amendments to the City's zoning regulations in accordance with State Law will have a significant effect on the environment.

SECTION 10. This Ordinance shall take effect thirty (30) days after passage.

SECTION 11. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance or a summary thereof to be published as required by law.

INTRODUCED on the ____th day of _____ 2026, and **PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Davis on this ___th day of _____ 2026, by the following vote:

AYES:

NOES:

ABSENT:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk

ATTACHMENT 3

SB9 Ordinance Amendment – State vs Local Requirements		
Davis Municipal Code Section(s)	**Regulation Source**	**Purpose of amendment**
Existing Municipal Code Sections		
Definitions *Municipal Code Section 40.01.010*	Gov. Code, §§ 65852.21	To align with and reference the State Code for the definition.
Permitted Uses *Municipal Code sections 40.03.020, 40.04.020, 40.04A.020, 40.06.020, 40.07.020,*	Gov. Code, §§ 65852.21, subd. (a); 66411.7 subd. (a)(3)(A)	Adding two-unit projects to the list of permitted uses under the various residential zoning districts.
Purpose (of the R-2-MH district) *Municipal Code Section 40.07.010*	ORD (parking), other.	Removes language requiring parking to remain consistent with the citywide removal of parking requirements. Also removes language that prohibits subletting of mobile home spaces, per City Attorney determination.
Purpose *Municipal Code Sections 40.03.010, 40.04.010, 40.04A.010, 40.06.010, 40.07.010*	Local Discretion	Removal of some of the existing language so that the purpose section for residential zones is more consistent with the types of uses that could be found in the zone after the implementation of SB9
Permitted Uses *Municipal Code Section 40.03.020*	Local Discretion	Removing “agriculture” uses under permitted uses (of the R-1 district). Considered obsolete as no known agricultural uses in the single-family residential zones.
New Section: 40.26.480 Two Unit Projects		
40.26.480 Two Unit Projects All sections are required, with exception to the two subsections below.	Government State Code §§ 66411.7 and 65852.21	For the Davis Municipal Code to comply with the requirements of SB 9.
Parcel Coverage *Municipal Code Section 40.26.480(d)(6)(B)*	Local Discretion	Allows structures to cover a maximum of 50% of the total parcel area. This is more than the current standard of a 40% maximum.
Possible addition to Municipal Code Section *40.26.480 (d)* regarding ADUs and JADUs	Local Discretion	Government Code §65852.21 allows local jurisdictions to preclude the construction of ADUs and JADUs on parcels that make use of both the SB9 two-unit provision and the SB9 lot split.