

Appendix C.3

ORDINANCE NO. \_\_\_\_

**REZONING / PRELIMINARY AND FINAL  
PLANNED DEVELOPMENT  
UNIVERSITY AVENUE AND RICE LANE ZONING DISTRICT**

AN ORDINANCE AMENDING CHAPTER 40 OF THE DAVIS MUNICIPAL CODE, 1971, AS AMENDED, REZONING PROPERTY LOCATED IN THE AREA GENERALLY BOUNDED BY RUSSELL BOULEVARD ON THE NORTH, FIRST STREET ON THE SOUTH, A STREET TO THE WEST AND B STREET TO THE EAST, FROM PLANNED DEVELOPMENT NO. PD #2-86A TO **PLANNED DEVELOPMENT NO. PD #2-86AB.**

**TABLE OF CONTENTS**

<b>SECTIONS:</b>	<b>PAGE:</b>
1. DESCRIPTION.	2
2. PURPOSE.	3
3. DEFINITIONS.	4
4. PRELIMINARY PLANNED DEVELOPMENT SUBAREAS AND REQUIRED REGULATIONS.	5
5. SUBAREA A, SINGLE FAMILY RESIDENTIAL.	6
6. SUBAREA B, UNIVERSITY AVENUE RESIDENTIAL OVERLAY DISTRICT.	9
7. SUBAREA C, <u>UNIVERSITY AVENUE FIRST STREET</u> TRANSITIONAL DISTRICT.	11
8. SUBAREA D, RETAIL WITH OFFICES	14
9. <u>SUBAREA E, B STREET TRANSITIONAL DISTRICT</u>	20
10. GENERAL CONDITIONS.	26
11. PERFORMANCE STANDARDS AND DESIGN GUIDELINES.	26
12. FINDINGS AND EXCEPTIONS TO STANDARDS.	30
13. SPECIFIC PLAN REIMBURSEMENT FEE	31
14. OVERALL PROJECT FINDINGS.	31
15. EFFECTIVE DATE.	32

**EXHIBITS:**

- A. Zoning Map and Preliminary Planned Development Subareas
- B. Retail with Offices District Subarea D Special Height Restrictions
- C. B Street Transitional District Subarea E Special Height Restrictions

**THE CITY COUNCIL OF THE CITY OF DAVIS DOES HEREBY ORDAIN AS FOLLOWS:**

## **SECTION 1: DESCRIPTION.**

**General Site Description:** The neighborhood encompassed by the proposed planned development has unique characteristics resulting from its proximity to both downtown and the university. The internal areas are predominantly single-family residential in use and character, whereas the perimeter streets, while also residential in character and scale have a larger number of buildings adapted for institutional, fraternal and small-scale office or commercial uses.

While the neighborhood is identified as a unit, it is significantly affected by the streets that surround and bisect it. Boundary streets B and First Street are identified as major arterials in the General Plan. B Street forms the eastern boundary parallel to Central Park and carries significant traffic to and from the Downtown. Structures on B Street north of Third Street are smaller traditional residential structures, whereas, south of Third Street there is transition to mixed-use office, café commercial, postwar apartment buildings and two existing hotels. First Street is the southernmost roadway dividing the City and University and carries traffic in and out of the University, into downtown or south to Richards Boulevard. Structures in this area are residential with several converted to fraternal or office uses.

A Street, a designated collector, forms the western boundary and functions as the visible division between the university and the City to the west. One-way access on this street limits the automobile traffic volumes and there is extensive bike and pedestrian activity. Again structures are traditional residential with some adaptive reuse to bed and breakfast inns, mixed use office as well as townhouse construction. There is a greater blending of University related uses south of Third Street and pressure for University affiliated uses is greater here. Intensity of development is significantly greater south of Third Street.

The principal east-west connection between the City and University is Third Street, which runs through the center of the neighborhood and functions as the gateway to campus. The street's character is more village commercial in nature with a mix of existing older residential structures east of University Avenue while retail intensity and development increases west of University Avenue. Vehicular access is limited with pedestrian and bike access emphasized.

**Historical Context:** Historically residents have taken an active role to preserve and enhance the historic elements and residential character of the area. Previous zoning efforts have effectively eliminated the continuation of commercial and high-density residential development in the interior and residential portions of the neighborhood. Adoption of the Core Area Specific Plan and the more recent Davis Downtown and Traditional Residential Guidelines have provided further refinement regarding allowable uses and expected design quality. However, specific community goals for reinvestment along portions of B Street and Third Street have not yet occurred. These include: 1) adaptive reuse of the traditional residential structures; 2) intensification of commercial uses along Third Street and enhancing the gateway from campus with mixed use buildings and pedestrian and bicycle improvements; and 3) increased residential development and mix of commercial uses along B Street to frame and energize the area bordering Central Park. The revised zoning contained in this document reflect and incorporates updated policies, standards and guidelines defined in the Core Area Specific Plan and Davis Downtown and Traditional Residential Design Guidelines.

## **SECTION 2. PURPOSE.**

The purpose of the planned development district is to allow diversification in the relationship of various buildings, structures and open spaces in order to be relieved from the rigid standards of conventional zoning. A planned development district shall comply with the regulations and provisions of the general plan and any applicable specific plan and shall provide adequate standards to promote the public health, safety and general welfare without unduly inhibiting the advantages of modern building techniques and planning for residential, commercial or industrial purposes. The criteria upon which planned development districts shall be judged and approved will include the development of sound housing for persons of low, moderate and high income levels, residential developments which provide a mix of housing styles and costs, creative approaches in the development of land, more efficient and desirable use of open area, variety in the physical development pattern of the city and utilization of advances in technology which are innovative to land development. (Zoning Section 40.22.170).

The purpose for development and amendment of this Planned Development zoning document is to encourage the continued health and vitality of the neighborhood and the downtown. This zoning is intended to stabilize the existing mix of uses within the neighborhood by encouraging compatible reuse, maintenance and renovation. This Planned Development is also intended to encourage reinvestment; allowing redevelopment along portions of B Street and Third Street to achieve a stronger commercial/retail connection between the University and Downtown, and enhance activity around Central Park. This neighborhood is largely residential in nature and character. The intent of this zoning district is to the retention of neighborhood residential uses, allow an increase in residential units on portions of B Street and facilitate higher density mixed use development along Third Street. These goals are considered essential to balance the need for continued health and vitality of the neighborhood and the downtown. They represent a balance of the community goals to support historic preservation and higher density, mixed-use, pedestrian and transit oriented development in the downtown.

Specific subareas in this planned development area are intended to facilitate opportunities for establishment of flexible use spaces suitable for live/work.

As stated in the Core Area Specific Plan “The stabilization of existing residential neighborhoods and the development of new residential units in the Core Area ~~is~~ are also seen as critical in maintaining a healthy and viable downtown. The retention of a residential base in the Core Area is seen as crucial to the success of the pedestrian environment downtown.” To respond to varied community needs, it is appropriate that such housing be provided in a range of housing forms and densities. Section 2.6, Land Use policies G. and H. in the CASP require: protecting residential neighborhoods and their neighborhood character; and where feasible, encouraging the adaptive reuse, renovation and/or rehabilitation of existing residential facilities. Section 2.6 Land Use Policy 1 states “A mix of uses – retail stores, restaurants, cultural centers, entertainment, services, upstairs offices and dwelling units is now and shall remain characteristic of the Core Area.” Implementation policies A, B, D and I are to encourage new businesses, mixed uses and dwelling units in the Core Area, and promote development that brings maximum economic life and stability to the Core Area and enhances the pedestrian and architectural character of the downtown.”

Additionally, the purpose of the planned development is to implement the general plan and Core Area Specific Plan use designations of “Low Density Residential,” “University Avenue Residential Overlay District,” “University Avenue First Street Transitional District,” “B Street Transitional District” and “Retail with Offices District”. It is also to implement the Downtown Davis Traditional Residential Neighborhood Design Guidelines, as amended, to facilitate achievement of a special character mixed use district along portions of Third and B Streets in a manner that enhances these important pedestrian and civic corridors and provides a transition to neighboring single family residential uses.

Section 40.01.90 (zoning map) of Chapter 40 of the Davis Municipal Code as amended, is hereby amended by adding the zoning designation of the parcels shown on the attached map, marked Exhibit A, attached hereto and incorporated herein by reference to **Planned Development # 2-86A.B.**

**Preliminary and Final Planned Development Standards:** It is intended that this document serve as both the Preliminary Plan and Final Planned Development Standards for this neighborhood. Minor revisions consistent with the approved final planned development may be approved by the Planning Commission, or City Council as part of revised Final Planned Development application (Davis Municipal Code Section 40.22.170).

### **SECTION 3. DEFINITIONS.**

**A. Compatible and Complementary.** Consistent with the traditional character defining features in the conservation neighborhood, and the mixed use and special character areas identified in the Davis Downtown and Traditional Neighborhoods Design Guidelines, including design features such as site layout, rhythm, spacing, mass and scale, façade width, setbacks, landscaping, lot coverage and FAR; and use features such as use, traffic and noise. That the use and design objectives identified for the neighborhood and specific sub-areas in the Core Area Specific Plan and Davis Downtown and Traditional Residential Neighborhood Design Guidelines, as amended, will be continued.

**B. High Traffic Generating Uses or Occupations.** Uses where the economic viability of the business relies primarily on high volumes of customers dependent on auto access who would generate higher volumes of vehicle traffic, such a doctor’s office, as compared to lower traffic generating uses, such as a web designer.

**C. Living Groups.** Organized living groups are organizations, clubs or associations (such as fraternities, sororities or co-operatives) that include as a principal purpose the sharing of a residence by members. Shall be subject to compliance with Municipal Code sections 40.26.260, 261, and 262.

**D. Live/work.** A use in which ~~it is presumed that~~ the resident’s primary place of employment is within the same structure. The office portion may exceed that allowed under a home occupation permit. The use may be more office in character than residential. Work activities allowed shall be compatible with residential occupancies and involve limited walk-in trade or client visits.

**E. Low Traffic Generating Uses or Occupations.** Uses that do not generate a high volume of vehicle traffic and are not reliant on heavy client contact or high auto accessibility for their success.

**F. Roof Plate.** A horizontal reinforcing element laid on a wall, posts or corbels to directly support the lower end of the trusses or rafters of a roof.

**G. Roof Peak. (Also Building Height)** the vertical distance from the average contact ground level at the front wall of the building to the highest point of the structure, excluding vents and fireplaces.

#### **SECTION 4. PRELIMINARY PLANNED DEVELOPMENT SUBAREAS AND REQUIRED REGULATIONS.**

The land use designations are limited to the following:

- A. Subarea A: Single-Family Residential District.
- B. Subarea B: University Avenue Single-Family Residential District.
- C. Subarea C: ~~First Street University Avenue~~ Transitional District.
- D. Subarea D: Retail with Offices District.
- E. Subarea E: B Street Transitional District.

The Subareas are shown in Exhibit A of this Ordinance.

The Core Area Specific plan is the underlying policy document that provides detailed guidance for the City's downtown core neighborhoods thereby allowing the systematic implementation of the General Plan.

The development standards and conditions of development for these subareas shall be as contained in these regulations. For areas not covered by this ordinance, the provisions of Chapter 40 of the Davis Municipal Code as amended shall apply. If there is a conflict between the provisions of Chapter 40 and this ordinance, the provisions of this ordinance shall apply. Additionally, the design review process contained in the "Davis Downtown and Traditional Residential Neighborhoods Design Guidelines" shall apply.

Overall site and building design is a significant aspect in the makeup and character of the area. The Davis Downtown and Traditional Residential Neighborhoods Design Guidelines, prepared and amended with extensive community input, are to be used in tandem with the requirements contained within this Planned Development. Ordinance 2066, adopted August 1, 2001, establishes a Downtown and Traditional Residential Neighborhood Overlay District and requires that the Site plan and architectural review process included in those Design Guidelines shall apply. This includes a three tier review process in which Tier #1 projects require minor design review, Tier #2 projects require major design review and Tier #3 projects require review by the Planning Commission.

The purpose of planned development zoning is to allow flexibility within zoning standards provided that they achieve the overall intent of the district. Projects that do not meet the specific zoning standards established within this preliminary and final Planned Development may file for

a revised final Planned Development as part of their Design Review process. This would require projects to be reviewed as a Tier # 3 Design Review with Public Hearing and review by the Planning Commission.

The 2007 amendments to Subarea D, “Retail with Offices District” and the new Subarea E “B Street Transitional District” were made in 2007 to allow for modified development standards within these areas, rather than as incremental final planned development applications. This ordinance functions as the Final Planned Development for these districts with the exception of properties on Third Street located west of University Avenue. The City may consider additional Final Planned Developments subject to section 40.22.170 of the Municipal Code.

It should be noted that application of standards and related design guidelines applied through the required design review process might result in a smaller footprint, or reduced building heights or greater setbacks than zoning allows to ensure ~~ing~~ a sense of openness on the lot within the context of the specific project location and broader ~~the~~ neighborhood.

**SECTION 5. SUBAREA A: SINGLE-FAMILY RESIDENTIAL DISTRICT – UNIVERSITY AVENUE SPINE TO RICE LANE.**

**A. Purpose.** Protect and preserve the single-family character and lower intensity uses within the internal portions of the PD.

**B. Permitted Uses.**

1. Single family dwellings designed for or used exclusively for residential purposes by one family or housekeeping unit.
2. Family and group day care homes as defined in section 40.26.270.

**C. Accessory Uses.**

1. Home occupations subject to the provisions of sections 40.26.150.
2. Signs; (1) commercial frontages as set forth in section 40.26.020; (2) non-commercial frontages as set forth in section 40.26.020 (c). Signs shall also be subject to the Downtown Davis Sign Design Guidelines.
3. Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the requirements of section 40.26.010 and as set forth in Section 5(J) of this document.

**D. Conditional Uses.**

1. Public and quasi-public buildings and uses of the recreational, educational, religious, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards, warehouses and similar uses.
- ~~2. Combined office/residential, including live/work, (To encourage adaptive reuse, this use may be considered for the properties located on the north and south side of Third Street only), in which the residential use is the primary element (greater than 50%).~~

**E. Lot Area and Yard Requirements.** The following minimum yard and area requirements shall apply:

1. Lot Area.  
Minimum lot size: 5,400 square feet.
2. Front Yard.
  - a. The least restrictive criteria shall apply.
    - i. Equal to the average setback of all residences on both sides of the street within 100 feet of the property lines of the new project
    - ii. Equal to the average of the two immediately adjacent buildings
  - b. Certain architectural features such as stoops, and other minor covered entrances attached to the main building front may project into the required front setback an additional 5'. Porches that are an integral element on the front of a house shall not receive exception from minimum front yard setback requirements.
3. Side Yard.
  - a. Street Side Yard: 15 feet.
  - b. Interior Side yard: minimum of 6 feet, total of 12 feet between buildings.
4. Rear Yard  
20 feet, except for any portion over of a building over one story, 25 feet.
5. Exceptions  
Projections. Certain architectural features may project into required yards as provided in Code section 40.27.060 and as required in section E.2.b above. The more restrictive requirements of the PD shall prevail.

**F. Building Height.**

No structure shall exceed two stories or 30 feet in height as measured to the roof peak.

**G. Open Space and Lot Coverage Requirements.**

1. Usable Open Space.  
Minimum of 20 percent of the lot area.
2. Lot Coverage.  
Not in excess of 40 percent.
3. Rear Yard Coverage.  
No more than 30% of the square footage of the required rear yard area shall be covered with impervious surfacing for parking and/or structures, with the exception of lots with the rear yard abutting an alley, in which case a 100% rear yard coverage shall be allowed. Parking areas shall be adequately screened in accordance with Section 10.I.3.

**H. Parking.**

1. Number of parking spaces required.
  - a. Single-family dwelling. One covered and one uncovered off-street parking space for dwellings containing four or fewer bedrooms, and one additional space for each bedroom in excess of four.
  - b. Second dwelling unit. One additional parking space is required for a second unit in accordance with Code Section 40.25.070.
  - c. ~~Combined office/residential. Office portion to be one space for every 500 square feet and for residential, one parking space per efficiency, one or two bedroom. One and one half for each three or four bedroom. One space shall be covered.~~

~~d.c.~~ All others uses that may apply refer to Municipal Code section 40.25 regarding parking requirements.

~~e.d.~~ Potential deviations refer to Section ~~11.C~~ 12 B.

2. Reductions for adaptive reuse.

All requirements in this sub-section may be reduced in the case of conversion or preservation of an older residential structure. Parking requirements shall be reduced as follows: For each square foot at ground level of structure preserved, one square foot of parking may be eliminated.

3. Rounding.

Whenever the computation of the number of parking required by this section result in a fractional parking space, one additional parking space shall be required for ½ or more fractional parking space and any fractional parking space less than ½ shall not be counted.

**I. Landscaping.**

1. Minimize impact to existing remaining trees to the greatest extent though design and construction as provided in Chapter 37 of the City’s Municipal Code, Article 37.03.
2. Impervious surfacing in the required front yard (parking areas, walkways, concrete patios, etc.) shall not exceed 40 percent or 18 feet in total width of the front yard, whichever is greater.
3. A minimum of 40% of an alley frontage shall be landscaped.

**J. Accessory Structures.**

1. Rear Setbacks.

a. On an alley:

- i. A one-story structure may be located at an alley edge.

Garages and carports shall be set back a minimum of 5 feet from the alley edge to provide adequate turning and backing out area.

b. Lots not on an alley:

- i. Secondary structures shall be a minimum of 5 feet from the rear property line.

2. Side Setbacks.

- a. A minimum 5 foot setback is required for an interior side setback except in the case where the side yard is located on an alley (contiguous and parallel), in that case the structure may be located at the alley edge, although a 5 foot setback is preferred for landscaping.

3. Building Height and Size.

- a. Accessory structures shall not exceed 15 feet in height as measured to the peak. Structures shall be 480 square feet or less.

**SECTION 6. SUBAREA B: UNIVERSITY AVENUE RESIDENTIAL OVERLAY DISTRICT – A STREET CORRIDOR AND RUSSELL BOULEVARD**

**A. Purpose.** To allow flexibility for uses that may be more intense but are compatible with and respect the historic residential architecture and single-family character and use of the district. University related uses and condominium and townhouse development of moderate density compatible with the residential scale may be considered.

The intensity of development and mix of uses is greater south of Third Street, whereas, single-family predominates north of Third Street. Allowed intensity of development is reflective of this pattern.

**B. Permitted Uses.**

1. Single family dwellings designed for or used exclusively for residential purposes by one family or housekeeping unit.
2. Attached single family, duplexes, condominiums or townhouses with maximum net density of 9 units per net acre (12 du per gross acre).
3. Family and group day care homes as defined in section 40.26.270.

**C. Accessory Uses.**

1. Home occupations subject to the provisions of sections 40.26.150.
2. Signs; (1) commercial frontages as set forth in section 40.26.020; non-commercial frontages as set forth in section 40.26.020 (c). Signs shall also be subject to the Downtown Davis Sign Design Guidelines.
3. Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the requirements of section 40.26.010 and provisions contained in Section 5(J) of this document..

**D. Conditional Uses.**

1. Public and quasi-public buildings and uses of the recreational, educational, religious, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards, warehouses and similar uses.
2. Nursery schools and day care centers.
3. Living Groups.
4. Bed and Breakfast Inns.
5. Combined office/residential uses, including live/work uses, in which the residential use is the primary element, (greater than 50%).

**E. Lot Area and Yard Requirements.**

The following minimum yard and area requirements shall apply:

1. Lot Area.  
Minimum lot size: 5,400 square feet.
2. Front Yard.
  - a. The least restrictive criteria shall apply:
    - i. Equal to the average setback of all residences on both sides of the street within 100 feet of the property lines of the new project.
    - ii. Equal to the average of the two immediately adjacent buildings.
  - b. Certain architectural features such as stoops and other minor covered entrances attached to the main building front may project into the required front setback an additional 5'. Porches that are an integral element on the front of a house shall not receive exception from minimum front yard setback requirements.
3. Side Yard.
  - a. Street Side yard: 15 feet.

- b. Interior Side yard: minimum of 6 feet, total of 12 feet between buildings.
- 4. Rear Yard.  
20 feet, except for any portion over of a building over one story, 25 feet.
- 5. Exceptions.  
Projections. Certain architectural features may project into required yards as provided in Code section 40.27.060 and as required in section E.2.b above. The more intensive provisions shall prevail.

**F. Open Space and Lot Coverage Requirements.**

- 1. Usable Open Space.  
Minimum of 20 percent of the lot area.
- 2. Lot Coverage.  
Not in excess of 40 percent.
- 3. Rear Yard Coverage.  
No more than 30% of the square footage of the required rear yard area shall be covered with impervious surfacing for parking and/or structures, with the exception of lots with the rear yard abutting an alley, in which case a 100% rear yard coverage shall be allowed. Parking areas shall be adequately screened in accordance with Section 10.I.3.

**G. Building Height.**

No structure shall exceed two-stories or 30 feet as measured to the roof peak.

**H. Parking.**

- 1. Number of Parking Spaces Required.
  - a. Single-family dwelling. One covered and one uncovered off-street parking space for dwellings containing four or fewer bedrooms, and one additional space for each bedroom in excess of four.
  - b. Second dwelling unit. One additional parking space is required for a second unit in accordance with Code Section 40.25.070.
  - c. Combined office/residential. Office portion to be one space for every 500 square feet and for residential, one parking space per efficiency, one or two bedroom. One and one half for each three or four bedroom. One space shall be covered.
  - d. All other uses that may apply refer to Municipal Code section 40.25 regarding parking requirements.
  - e. Potential deviations refer to Section ~~44.C.~~ 12. B.
- 2. Reductions for adaptive reuse.  
All requirements in this sub-section may be reduced in the case of conversion or preservation of an older residential structure. Parking requirements shall be reduced as follows: For each square foot at ground level of structure preserved, one square foot of parking may be eliminated.
- 3. Rounding.  
Whenever the computation of the number of parking required by this section result in a fractional parking space, one additional parking space shall be required for ½ or more fractional parking space and any fractional parking space less than ½ shall not be counted.

## **I. Landscaping.**

1. Minimize impact to existing remaining trees to the greatest extent possible through design and construction as provided in Chapter 37 of the City's Municipal Code, Article 37.03.
2. Impervious surfacing in the required front yard (parking areas, walkways, concrete patios, etc) shall not exceed 40 percent or 18 feet in total width of the front yard, whichever is greater.
3. A minimum of 40% of an alley frontage shall be landscaped.

## **SECTION 7. SUBAREA C: ~~FIRST STREET UNIVERSITY AVENUE TRANSITIONAL DISTRICT – B STREET AND FIRST STREET~~**

**A. Purpose.** To allow for possible inclusion of new or intensified residential and office uses that provide a functional transition from the more intensive uses located south and east of the Planned Development boundaries to the single-family residential interior. The residential scale and character shall be maintained and pedestrian oriented, uses with lower parking demand are encouraged.

In almost every case, lots in this zoning district back up to or are adjacent to the single-family low-density residential district. Therefore, care in the selection of and site design for more intensive uses is important so that impacts to the lower intensity single-family uses are minimized or mitigated.

This is a large and varied district in which character patterns change. The mix of uses and development intensity is greater along First Street and on B Street south of Rice Lane. ~~North of Rice Lane on B Street there is a more consistent pattern in use and intensity progressively northward.~~

## **B. Permitted Uses.**

1. Single-family dwellings
2. Combined office/and residential uses including live/work.
3. Professional offices if contained within an existing structure with no additional square footage added.
4. Family and group day care homes as defined in section 40.26.270

## **C. Accessory Uses.**

1. Home occupations subject to the provisions of sections 40.26.150.
2. Signs; (1) commercial frontages as set forth in section 40.26.020; non-commercial frontages as set forth in section 40.26.020 (c). Signs shall also be subject to the Downtown Davis Sign Design Guidelines
3. Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the requirements of section 40.26.010 and provisions contained in Section 5(J) of this document.

**D. Conditional Uses.**

1. Public and quasi-public buildings and uses of the recreational, educational, religious, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards, warehouses and similar uses.
2. Nursery schools and day care centers.
3. Living Groups.
4. Medical, Dental Clinics.
5. Bed and Breakfast and Inns.
6. Hotel, Motel uses south of Second Street only.
7. Office, without a residential component.

**E. Lot Area and Yard Requirements.** The following minimum yard and area requirements shall apply:

1. Lot Area.  
Minimum lot size: 2,400 square feet.
2. Front Yard
  - a. The least restrictive criteria shall apply:
    - i. Equal to the average setback of all residences on both sides of the street within 100 feet of the property lines of the new project.
    - ii Equal to the average of the two immediately adjacent buildings.
  - b. Certain architectural features such as stoops, and other minor covered entrances attached to the main building front may project into the required front setback an additional 5'. Porches, however, are an integral element on the front of a house shall not receive exception from minimum front yard setback requirements.
3. Side Yard.
  - a. Street Side yard: 15 feet.
  - b. Interior Side yard: minimum of 6 feet, total of 12 feet between buildings.
4. Rear Yard.  
20 feet, except for any portion ~~over~~ of a building over one story, 25 feet.
5. Exceptions.  
Projections. Certain architectural features may project into required yards as provided in **Municipal Code s**Section 40.27.060 and as specified in section E.2.b above.

**F. Building Height.**

No structure shall exceed two-stories or 30 feet as measured to the roof peak.

**G. Open Space and Lot Coverage Requirements.**

1. Usable Open Space.  
Minimum of 20 percent of the lot area.
2. Lot Coverage.  
Not in excess of 40 percent.
3. Rear Yard Coverage.  
No more than 30% of the square footage of the required rear yard area shall be covered with impervious surfacing for parking and/or structures, with the exception of lots with the rear yard abutting an alley, in which case a 100% rear yard coverage shall be allowed. Parking areas shall be adequately screened in accordance with Section 10.I.3.

## H. Parking.

1. Number of parking spaces required.
  - a. Single-family dwelling. One covered and one uncovered off-street parking space for dwellings containing four or fewer bedrooms, and one additional space for each bedroom in excess of four.
  - b. Medical and dental offices: One parking space for each 200 (500 in mixed use) square feet of gross floor area.
  - c. Combined office/residential. Office portion to be one space for every 500 square feet and for residential, one parking space per efficiency, one or two bedroom. One and one half for each three or four bedroom. One space shall be covered.
  - d. All other uses that may apply refer to Municipal Code section 40.25 regarding parking requirements.
  - e. Potential deviations refer to Section 11.C.
2. Reductions for adaptive reuse.

All requirements in this sub-section may be reduced in the case of conversion or preservation of an older residential structure. Parking requirements shall be reduced as follows: For each square foot at ground level of structure preserved, one square foot of parking may be eliminated.
3. Parking location.

It is a goal for this district that parking impacts be minimized. In the area along B Street there shall be no on-site parking allowed on the B Street property frontage. On-site parking shall not take access from B Street nor will curb cuts be allowed on B Street. Required on-site parking shall be provided in the rear with access from the alley.
4. Rounding.

Whenever the computation of the number of parking required by this section result in a fractional parking space, one additional parking space shall be required for ½ or more fractional parking space and any fractional parking space less than ½ shall not be counted.

## I. Landscaping.

1. Minimize impact to existing remaining trees to the greatest extent possible through design and construction as provided in Chapter 37 of the City's Municipal Code, Article 37.03.
2. Impervious surfacing in the required front yard (parking areas, walkways, concrete patios, etc.) shall not exceed 40 percent or 18 feet in total width of the front yard, whichever is greater.
3. A minimum of 40% of an alley frontage shall be landscaped.

## **SECTION 8. SUBAREA D: RETAIL WITH OFFICES/MIXED USE - RESIDENTIAL THIRD STREET.**

**A. Purpose.** To enhance ~~the pedestrian experience~~ Third Street as a higher density, pedestrian oriented mixed use district and strengthen the link between the University and the Downtown. The district is to integrate residential and commercial uses by promoting ownership in flexible live/work settings with low traffic generating professional and commercial uses/occupations supporting development of a mixed-use urban village district. The form of new development is

to enhance the pedestrian experience, improve the visual continuity between new and old structures, increase commercial uses, and where considered feasible, encourage adaptive reuse of traditional residential structures and/or new commercial uses as appropriate.

While Third Street functions as the primary bike and pedestrian connection to the University its character varies significantly in two short blocks. Third Street between University Avenue and B Street has a number of residential low-density parcels and the existing intensity of development is lower, whereas the block between University Avenue and A Street is more intensely retail and office oriented with a higher intensity to the built environment as well.

The CASP encourages mixed retail and office or residential uses with the offices or multi-family as tenants for upper stories. Uses need not be mixed on individual parcels. Note, the CASP provides for a Floor Area Ratio (FAR) that is the same as for Retail Stores, which is equal to three times the site area and applies to development on parcels west of University Avenue. A lower FAR, varying by type of use, applies to development on parcels east of University Avenue and the northwest corner of Second and B Streets. This lowered FAR is to facilitate new mixed use development compatible with the adjoining neighborhood.

## **B. Permitted Uses.**

### **1. Permitted uses on Third Street blocks located between University Avenue (west side) and A Street:**

- a. Single family, two-family, duplex.
- b. Retail store, shops and offices supplying commodities or performing services such as those provided by department stores, specialty shops, neighborhood grocery or deli, personal and business service establishments, antique shops, and artists' supply.
- c. Restaurants/Cafes, including outdoor eating areas and establishments.
- d. Professional Offices.
- e. Mixed use, including multi-family within a mixed use structure.

### **2. Permitted uses on Third Street blocks located between B Street and the alley immediately west of B Street fronting parcels (See Exhibit A):**

- a. Single family, two-family, ~~duplex~~, multifamily, townhouse, row houses and condominium dwellings
- b. Mixed use, including residential units in a mixed use structure.
- c. Combined office/residential uses, including live/work offices.
- d. Retail stores, shops and offices ~~supplying commodities or performing services such as those provided by department stores, specialty shops,~~ neighborhood grocery or deli, ~~personal and business service establishments,~~ antique shops, and artists' supply.
- e. Personal and business service establishments.
- f. Restaurants/Cafes, including outdoor eating areas and establishments.
- g. Professional Offices
- h. ~~Mixed use, including multi-family within a mixed use structure.~~

### **3. Permitted uses on middle Third Street blocks located between the edge of the B Street rear alley and the east side of University Avenue (see Exhibit A):**

- a. Single family, two-family, multi-family, townhouse, row houses and condominium dwellings.
- b. Mixed use, including residential units in a mixed use structure.
- c. Combined office/residential uses, including live/work offices.
- d. Retail stores, shops and offices, neighborhood grocery or deli, antique shops, and artists' supply.
- e. Personal and business service establishments, if low traffic generating.
- f. Professional Offices, if low traffic generating.

The block between University Avenue and A Street is a Primary shopping street as identified in the 2000 Downtown Strategy. At least 75% of a building's frontage should be used for retail storefront. The block from the east side of University Avenue and west side of B Street is identified as a secondary shopping street and should have at least 50% of the building's frontage used for retail or other commercial uses. ~~(This does not include areas designated for single family).~~ Office and residential uses encouraged ~~as tenants for~~ on upper stories.

### **C. Accessory Uses.**

1. Home occupations subject to the provisions of sections 40.26.150.
2. Signs; (1) commercial frontages as set forth in section 40.26.020; (2) non-commercial frontages as set forth in section 40.26.020 (c). Signs shall also be subject to the Downtown Davis Sign Design Guidelines.
3. Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the requirements of section 40.26.010 and provisions contained in Section 5(J) of this document.

### **D. Conditionally Permitted Uses.**

1. Inn, Bed and Breakfast.
2. Public and quasi-public buildings and uses of the recreational, educational, religious, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards, warehouses and similar uses.
3. Business and technical schools, and schools for photography, art, music and dance.
4. Restaurants where liquor is provided.

### **E. Prohibited Uses.**

1. Bars/nightclubs.
2. Billiard or card rooms.
3. Body piercing or tattoo parlors.
4. Off-site liquor sales.
5. **Additional Prohibited Uses on Third Street:** The following uses are prohibited on the parcels on the middle Third Street Blocks located between the western edge of the B Street rear alley to the east side of University Avenue:
  - a. High traffic generating Professional Offices.
  - b. High traffic generating Personal Services.
  - c. Restaurants/Cafes, including outdoor eating areas and establishments.

**F. Lot Area and Yard Requirements.**

**1. Lot Area: no minimum.**

**1.2. Third Street West of University Avenue.**

- a. Front Yard.
  - i. *Where a project fronts on to Third Street:*
    - A. May vary from 0 feet to 10 feet, with a minimum 5-foot average per parcel maintained.
  - ii. *Where a project does not front on to Third Street:*
    - A. 10 to 20 feet with a minimum 15-foot average maintained.
- b. Side Yard.
  - i. *Where a project fronts on to Third Street:*
    - A. Interior side setback a minimum of 5 feet.
    - B. Street side setback may vary from 10 feet to 20 feet with a minimum 15-foot average maintained.
  - ii. *Where a project does not front to Third Street:*
    - A. Street side setback may vary 0 to 10 feet, with a minimum 5-foot average
    - B. Interior side setback, a minimum of 5 feet, with 10 feet required for any portion over two-stories where adjacent to single family residential use or district.
    - C. Where abutting an alley, a minimum 5-foot landscape setback shall be maintained.
- c. Rear Yard.
  - i. *Where a project fronts on to Third Street:*
    - A. Minimum of 5 feet with 10 feet required for any portion over two-stories where adjacent to single family residential use or district.
  - ii. *Where a project does not front to Third Street:*
    - A. 0 feet.

**3. Third Street East of University Avenue, and Northwest corner of B and Second Streets:**

- a. Front Yard.
  - i. First and second story: 5 feet minimum.
  - ii. Third and fourth story: 10 feet minimum average setbacks.

Building wall modulation and variation required, see Design Guidelines.

- b. Side Yard.
  - i. 5 feet minimum from property line boundaries or alley.
  - ii. 0 feet minimum within project interior for town or row house or condominium parcel.

Building wall modulation and variation required, see Design Guidelines.

- c. Street Side Yard:

- i. Third, A and B Streets: 5 feet minimum setback.
- ii. University Avenue:
  - A. First and second story, 10 foot minimum.
  - B. Third or fourth story, 15 foot minimum average.

Building wall modulation and variation required, see Design Guidelines.

- d. Rear Yard (including along an alley).
  - i. First and second story, 5 feet minimum.
  - ii. Third or fourth story, 10 feet minimum average.
- e. Rear Yard adjoining single family residential use on designated low density residential site (see Exhibit E-1)
  - i. First and second story, 15 feet minimum
  - ii. Third story, 25 feet minimum

Building wall modulation and variation required, see Design Guidelines.

- f. Alley Setback (other than rear yard)
  - i. Single story garage or other non-residential accessory structure on alley, 5 feet minimum.

2. Third Street East of University Avenue:

a. Front Yard:

- i. ~~Front setbacks for new infill or add-ons~~
  - A. ~~Shall equal or exceed the average of the two immediately adjacent buildings.~~

b. Side Yard:

- i. ~~Where a project fronts on to Third Street~~
  - A. ~~Required interior side yards shall be a minimum of 10 feet per lot, except where adjacent to a single family residential use or district, in which case the adjacent side yard shall be a minimum of 7 feet with a total of 12 feet per lot. Where a two-story portion abuts a residential structure or district, a minimum 10-foot setback shall be required for the two-story portion.~~
  - B. ~~Street side yard setback 15 feet.~~
  - C. ~~Where adjacent to another district, extensive screening shall be provided as stated in Section 10.D of this document.~~

~~ii. Where lots front on to B Street~~

- A. ~~Utilize setback front and side setback standards specified in Subarea C, the University Transitional Overlay District.~~

c. Rear Yard:

- i. ~~Shall be a minimum of 10 feet, except where that yard is adjacent to a single-family residential use or district, in which case the two-story portion shall be 20 feet.~~
- ii. ~~Where adjacent to a single family residential use or district, extensive screening shall be provided as stated in Section 10.D of this document.~~

3. Where lots front on to B Street

a. ~~Utilize setback front and side setback standards specified in Subarea C, the University Transitional Overlay District.~~

4. Exception.

a. Exceptions to setbacks may be considered as part of a Minor Modification (Davis Municipal Code Section 40.27.27) or through Revised Final Planned Development (Davis Municipal Code Section 40.22.170).

b. Exceptions to setbacks west of University Avenue may be considered thru a Tier 3 design review in those instances where the proposed structure is adjacent to an existing structure that is set at a zero or near zero setback. Reduction in the yard area adjacent to the existing structure may be considered. The following findings will be required: that the intensity of development on the lot is not significantly greater than that of adjacent properties; and that the setback exceptions will not result in a nuisance situation for adjacent properties.

**G. Building Height.** ~~Structures on Third Street between B Street and University Avenue shall be predominantly two stories at the street with a mix of one and two story while:~~

~~1. Two stories, or 32 feet, as measured to the peak.~~

1. Buildings west of University Avenue: ~~should be~~ two and three stories if set back and providing appropriate scale transition. Over two stories to a maximum of three stories, may be considered ~~in the block between University Avenue and A Street~~ subject to Tier 3 review (Planning Commission Review), see the review requirements contained in the Davis Downtown and Traditional Residential Guidelines.

2. Commercial, residential or mixed use east of University Avenue:

a. Street and Alley: 2 stories and 30 feet maximum measured to roof plate.

b. Third Story: 45 feet maximum measured to roof peak.

c. Limited fourth story (requires bonus): 56 feet maximum measured to roof peak. Limited fourth story considered only through Tier 3 design review as a bonus for mixed use project incorporating other district goals such as retention of historic or character contributing structure, “Tree Worth Saving”; provision of underground parking; commercial parking on site; public open space, substantial public art etc.

3. Special Height Limits for development adjoining single family residential use on designated low density residential sites:

a. Building Height on portions of properties located at 232 University Avenue, and 232, 236 and 240 Third Street are limited to a two story, maximum height of 30 feet measured to roof peak, within an average of 25 feet from their southern property line. See Exhibit B.

**H. Open Space, ~~and~~ Lot Coverage, and Floor Area Ratio Requirements.**

1. Usable Private Open Space.

a. For projects west of University Avenue that include a residential component, a minimum of 5% of the gross leaseable square footage of each residential unit shall be private open space.

- b. For projects east of University Avenue and northwest corner of B and Second Street that include a residential component, 60 square feet minimum per dwelling unit, with 6 foot minimum dimension, including porches, balconies, patios and roof decks
2. Lot Coverage.
- a. For projects west of University Avenue: 75%
  - b. For projects east of University Avenue: No standard.
3. Floor Area Ratio (FAR):
- a. For projects west of University Avenue: 3:1 FAR.
  - b. For projects east of University Avenue varies by use:
    - i. Maximum of 2:1 FAR including bonus, or combined bonuses.
    - ii. Commercial 1:1 FAR.
    - iii. Residential 1:1 FAR.
    - iv. Mixed Use: 1.5:1 FAR.
    - v. Bonus of 0.5:1 FAR for preservation of designated historic structure, underground parking, or “Trees Worth Saving”.
    - vi. Bonus of 0.2:1 FAR for provision of public plaza or preservation of “Trees of Significance”.

**I. Parking.**

1. Number of Parking Spaces Required.
- a. For projects west of University Avenue: Refer to Municipal Code section 40.25 regarding parking requirements.
  - b. For projects east of University Avenue and at northwest corner of Second and B Street: varies by use:
    - i. Residential Uses.
      - 1 space for each studio or 1 bedroom dwelling unit.
      - 1.5 spaces for each two bedroom dwelling unit.
      - 2 spaces for each three bedroom dwelling unit. One additional parking space required for each additional bedroom above three.
      - Accessory dwelling units and flexible live/work space treated as additional bedrooms.
      - A minimum of one parking space per residential unit to be provided on site.
    - ii. Non-Residential Uses. 1 space per each 500 square feet of gross floor area.
    - iii. In-Lieu Parking Fees – Required parking for non-residential uses and for residential uses over the 1 space/unit minimum to be provided on site may be provided through in-lieu-of payments pursuant to 40.25.060 or by participation in a parking district as provided in section 40.25.060.
2. Parking Location. Parking is not permitted in the front of a building. Parking and driveway access on Third Street is inappropriate. Parking should be located to the rear and accessed from an alley or side street.
3. Off Street Loading.  
No off street loading shall be required for any commercial use.
4. Exceptions: ~~for~~

- a. Adaptive Reuse. All requirements in this sub-section may be reduced in the case of conversion or preservation of an older residential structure. Parking requirements shall be reduced as follows: For each square foot at ground level of structure preserved, one square foot of parking eliminated.
  - b. Exceptions to required parking dimensions to allow smaller parking spaces to accommodate electrical vehicle parking, may be accepted through the City's Minor Modification process (Municipal Code Section 40.27.27), not withstanding the minor modification dimension limitations.
  - c. See also Section 12.B. Exceptions from Parking Standards and Required Findings
5. Rounding.  
Whenever the computation of the number of parking required by this section result in a fractional parking space, one additional parking space shall be required for ½ or more fractional parking space and any fractional parking space less than ½ shall not be counted.

**J. Landscaping.**

A minimum of 50 percent of the area contained within the front setback shall be in ground cover or low planting, except for parcels located between the west side of B Street and University Avenue.

**K. Density.**

- 1. 30 du/net acre.
- 2. 40 du/net acre for condominium ownership units in mixed-use projects located east of University Avenue and corner of Second and B Streets.

**SECTION 9. SUBAREA C E: B STREET UNIVERSITY AVENUE TRANSITIONAL DISTRICT – B STREET AND FIRST STREET.**

**A. Purpose.** To allow for possible inclusion of new or intensified residential, live/work and office uses that provide a functional transition from the more intensive uses located south and east of the Planned Development boundaries to the single-family residential interior. New development shall complement the residential scale and character of adjoining properties shall be maintained and pedestrian oriented uses with lower parking demand are encouraged.

In almost every case, Many lots in this zoning district back up to or are adjacent to the low density sSingle fFamily low-density rResidential district. Therefore care in the selection of and site design for more intensive uses is important so that impacts to the lower intensity single-family uses are minimized or mitigated.

This is a large and varied district in which character patterns change. The mix of uses and development intensity is greater along First Street and on B Street south of Third Street. Rice Lane. North of Rice Lane on B Street there is a more consistent pattern in use and intensity progressively northward.

**B. Permitted Uses.**

- 1. Single-family dwellings.

2. Two-family, attached multifamily dwellings, townhouses, row houses and condominium dwellings.
- ~~23.~~ Combined office/and residential uses including live/work.
- ~~3. 4.~~ Professional Offices for low traffic generating uses. if contained within an existing structure with no additional square footage added.
- ~~4. 5.~~ Family and group day care homes as defined in section 40.26.270.

**C. Accessory Uses.**

1. Home occupations subject to the provisions of sections 40.26.150.
2. Signs; (1) commercial frontages as set forth in section 40.26.020; non-commercial frontages as set forth in section 40.26.020 (c). Signs shall also be subject to the Downtown Davis Sign Design Guidelines.
3. Other accessory uses and accessory buildings customarily appurtenant to a permitted use subject to the requirements of section 40.26.010. ~~and provisions contained in Section 5(J) of this document.~~

**D. Conditional Uses.**

1. Public and quasi-public buildings and uses of the recreational, educational, religious, cultural or public service type, including public utility, but not including corporation yards, storage or repair yards, warehouses and similar uses.
2. Nursery schools and day care centers.
3. Living Groups.
- ~~4. Medical, Dental Clinics.~~
- ~~5.4.~~ Bed and Breakfast and Inns.
- ~~6. Hotel, Motel uses south of Second Street only.~~
- ~~7. Office, without a residential component.~~
5. Incidental sales or gallery space associated with live/work use.

**E. Lot Area, Floor Area Ratio (FAR) and Yard Requirements. Varies, the following minimum yard and area requirements shall apply:**

1. Lot Area.  
Minimum lot size: ~~No minimum 2400 sq. ft.~~
2. Floor Area Ratio.
  - a. B Street (west side) between Third and Fourth Streets:
    - i. Base of 1:1 FAR up to a maximum of 1:1.5 FAR including bonus
    - ii. Bonus of 0.5:1 FAR considered for preservation of designated historic residential structure, or preservation of “trees worth saving.”
  - b. B Street (west side) between Second and Third Streets:
    - i. Base of 1:1 FAR base up to a maximum 2.0 FAR including bonus
    - ii. Bonus of 0.5:1 FAR considered for provision of underground parking, ownership condominium dwellings, preservation of designated historic structure or “trees worth saving”
    - iii. Bonus of 0.2:1 FAR considered for preservation of “trees of significance”

### 2.3. Front Yard.

- a. First and second story, 15 Feet minimum, with up to 8 foot maximum encroachment allowed for porches, balconies or decks.
- b. Above second story, 20 feet minimum average.
- c. Exception – first and second story setback of 10 feet minimum with up to 5 foot maximum encroachment for porches, balconies or decks considered through Design Review process for legally guaranteed senior (62+ years) owner-occupied condominium project on B Street, west side between Second and Third Streets.

Building sidewall modulation and variation required, see Design Guidelines.

#### a. The least restrictive criteria shall apply:

- i. Equal to the average setback of all residences on both sides of the street within 100 feet of the property lines of the new project.
- ii. Equal to the average of the two immediately adjacent buildings.
- b. Certain architectural features such as stoops, porches, and other minor covered entrances attached to the main building front may project into the required front setback an additional 5'. Porches, however, are an integral element on the front of a house shall not receive exception from minimum front yard setback requirements.

### 3.4 Side Yard.

- a. 0 feet minimum within project interior.
- b. 5 feet minimum from property boundaries or alley side yards.
- c. 4 feet minimum setback at project perimeter may be considered for town/row house projects.
- d. Properties shown on B Street Transitional District Special Height Restriction map (area bordering south property line of 246 Fourth Street, 337 B Street and north property line of 333 B Street) subject to greater setbacks. See modified height limits and Design Guidelines. (See Exhibit C ).

Building sidewall modulation and variation required. See Design Guidelines.

- a. Street Side yard: 15 feet.
- b. Interior Side yard: minimum of 6 feet total of 12 feet between buildings.

### 4. 5. Rear Yard.

- a. Single Family, two family, multifamily dwellings, duplex, town/row houses, and permitted or conditional non-residential uses.
  - i. Alley - first and second story: 10 feet minimum to building wall with up to 5 foot encroachment allowed for porches.
  - ii. Alley- third story: 20 feet minimum average.
  - iii. Non-alley first and second story: 15 feet minimum.
  - iv. Non-alley third story: 20 feet minimum.
- b. Condominium ownership dwellings/flats (B Street west side, between Second to Third Streets).

- i. Alley: first and second story - 10 feet minimum.
- ii. Alley: third story - 20 feet minimum average.
- iii. Non-Alley: first and second story – 15 feet minimum.
- iv. Non-Alley: third story – 20 feet minimum.

Building sidewall modulation and variation required, see Design Guidelines.

~~Single family use 20 feet, except for any portion over of a building over one story, 25 feet.~~

**5.6. Exceptions.**

Projections. Certain architectural features may project into required yards as provided in Code section 40.27.060 and as specified in this section ~~E.2.b~~ above.

7. Minor Modifications- minor modifications may be allowed to required yard setbacks subject to Municipal Code Section 40.27.27, or through a revised Final Planned Development process, Municipal Code Section 40.22.170.

**F. Building Height.**

1. Single family, two family, multifamily dwellings, duplex, town/row homes, condominium ownership dwellings, flats and permitted or conditional non-residential uses.
  - a. Overall height: three stories and 38 feet maximum measured to roof peak.
  - b. At Street: two stories and 30 feet maximum measured to roof peak.
  - c. At Alley: two stories and 24 feet maximum measured to roof peak.
2. Condominium ownership dwellings/flats (B Street west side between Second to Third Streets).
  - a. Overall height: three stories and 45 feet maximum measured to roof peak.
  - b. At Street: two stories and 30 feet maximum measured to roof plate.
  - c. At Alley: two stories and 30 feet maximum measured to roof peak.
3. Special Height Limits – Additional special height limits apply to specific property areas identified on the B Street Transitional District Special Height Limit map (see Exhibits B and C ) as follows:
  - a. Properties located at 246 Fourth Street and 337 B Street and the entire northern 30 foot width of the property located at 333 B Street bordering these two parcels, are limited to a height of two stories and 30 feet maximum measured to the roof peak.

~~No structure shall exceed two stories or 30 feet as measured to the roof peak.~~

**G. Open Space and Lot Coverage Requirements.**

1. Usable Open Space.  
~~No minimum standard. Minimum of 20 percent of the lot area.~~
2. Lot Coverage.  
~~No maximum standard. Not in excess of 40 percent.~~
3. Rear Yard Coverage.

No more than 30% of the square footage of the required rear yard area shall be covered with impervious surfacing for parking and/or structures, with the exception of lots with the rear yard abutting an alley, in which case a 100% rear yard coverage shall be allowed. Parking areas shall be adequately screened in accordance with Section ~~40.1.3~~ 11.D.1

## H. Parking.

### 1. Number of parking spaces required

#### a. Residential Uses.

1 space for each studio or 1 bedroom dwelling unit.

1.5 spaces for each two bedroom dwelling unit.

2 spaces for each three bedroom dwelling unit. One additional parking space required for each additional bedroom above three.

Accessory dwelling units and flexible live/work space treated as additional bedrooms.

#### b. Non-Residential Uses. 1 space per 500 square feet of gross floor area.

~~a. Single family dwelling. One covered and one uncovered off-street parking space for dwellings containing four or fewer bedrooms, and one additional space for each bedroom in excess of four.~~

~~b. Medical and dental offices: One parking space for each 200 (500 in mixed use) square feet of gross floor area.~~

~~c. Combined office/residential. Office portion to be one space for every 500 square feet for residential, one parking space to be provided per efficiency, one or two bedroom. One and one half for each three or four bedroom. One space shall be covered. All other uses that may apply refer to Municipal Code section 40.25 regarding parking requirements.~~

~~d. Potential deviations refer to Section 11.C.~~

### 2. Parking Location. It is a goal for this district that parking impacts be minimized.

In the area along B Street there shall be no on-site parking allowed on the B Street property frontage. On-site parking shall not take access from B Street nor will curb cuts be allowed on B Street. Required on-site parking shall be provided in the rear with access from the alley. A minimum of one parking space per residential unit must be provided on site.

### 3. In-Lieu Parking Fees – Required parking for non-residential uses or residential spaces over the one per unit requirement may be provided through in-lieu-of payments pursuant to 40.25.060 or by participation in a parking district as provided in section 40.25.060.

### 4. Off Street Loading.

No off street loading shall be required for any commercial use.

### 5. Exceptions. Reductions for

a. Adaptive Reuse. All requirements in this sub-section may be reduced in the case of conversion or preservation of an older residential structure. Parking requirements

shall be reduced as follows: For each square foot at ground level of structure preserved, one square foot of parking eliminated.

- b. Exceptions to required parking dimensions to allow smaller parking spaces to accommodate electrical vehicle parking, may be approved through the City's Minor Modification process (Municipal Code Section 40.27.27), not withstanding the minor modification dimension limitations.
- c. See also Section 12.B. Exceptions from Parking Standards and Required Findings.

**5-6. Rounding.**

Whenever the computation of the number of parking required by this section result in a fractional parking space, one additional parking space shall be required for ½ or more fractional parking space and any fractional parking space less than ½ shall not be counted.

**I. Landscaping.**

1. Minimize impact to existing remaining trees to the greatest extent possible through design and construction as provided in Chapter 37 of the City's Municipal Code, Article 37.03.
2. Impervious surfacing in the required front yard (parking areas, walkways, concrete patios, etc.) shall not exceed 40 percent or 18 feet in total width of the front yard, whichever is greater.
3. A minimum of 40% of an alley frontage shall be landscaped.

**J. Density. Varies by lot size and building type:**

1. Single family, two family, duplexes, multifamily dwellings, town house, condominium ownership dwellings or flats:  
Equal to or less than 7,500 minimum square foot lot -3 units maximum (22 du/net ac).
2. Multifamily, town/row house, condominium ownership dwellings or flats:  
Equal to or less than 15,000 minimum square foot lot - 7 units maximum (24 du/net ac.)

Provision of accessory efficiency units may exceed these densities for single family home or town home projects.

3. Multifamily condominium ownership dwellings/flats on B Street, west side between Second to Third Streets:
  - a. Equal to 13,000-15,000 minimum square foot lot , 30 du/net acre, 40 du net acre allowed for ownership condominium dwellings.
  - b. Density Bonus of up to 50 units per net acre maximum considered for senior (62 + years) ownership condominium project.

**SECTION 9. 10. GENERAL CONDITIONS.**

**A. Reference for Setbacks.** Where the property line is at the curb, the line of reference for zoning setbacks shall be based on back of walk or bike path. Setbacks from alley property lines shall be as noted below:

1. Where a lot in any residential district abuts an alley the rear yard may be measured from the centerline of the alley rather than the rear lot line; provided, the Community Development Director finds that any structure to be located in accordance with such measurement will not adversely affect the sunlight, air, open space, or solar access of adjacent properties; but in no case shall a rear setback line of less than five feet from the rear lot line be allowed unless specifically permitted otherwise.
2. For development on lots fronting on University Avenue, rear yard measurements shall be made from the centerline of the 13 foot wide alley right-of-way bordering their eastern property line as shown on the official map of the City of Davis, 1933, recorded Book 3 of Maps page 71, Yolo County Records.
3. For development on lots fronting on the west side of B Street between Second and Fourth Streets, alley rear yard measurements shall be made from eastern edge of a newly established 20 foot wide right-of-way. The alley right-of-way shall be expanded to 20 feet through the dedication to the City, of an additional 7 foot width of right-of-way from the rear yard area of the parcels fronting on the west side of B Street located between Second Street and Fourth Street and side yard of property at 247 Third Street. Such dedication shall be required at the time of any approvals for redevelopment for these parcels.

**B. Design Review.** Site plan and architectural approval (design review) shall be required for all uses, as provided in Sections 40.31 of the Davis Municipal Code and as required in the Davis Downtown and Traditional Residential Neighborhood Guidelines.

**C. Maintenance of undeveloped lots.** Undeveloped lots in the planned development shall be maintained in a reasonably weed-free condition prior to development.

#### **SECTION 10. 11. PERFORMANCE STANDARDS AND DESIGN GUIDELINES.**

The following list of performance standards and design guidelines apply generally to the various projects that may occur within the project area. However, it should be noted that not every standard applies in every case. Many are to be used in conjunction with a larger project subject to design review whereas, some apply for single-family improvements.

**A. Adaptive Reuse of Single-Family Structures.** Retention and renovation of existing homes for use as single-family dwellings is encouraged. However, when conversion or change in use would enhance the neighborhood or would result in an upgrade to a non-contributing structure such as a non-contributing residential structure in disrepair located on a major arterial that is converted to an office, adaptive re-use is encouraged.

#### **B Site Landscaping/Irrigation.**

1. Plant Materials.

Plant materials shall be used in all landscaped areas. Gravel, bark, rock or mulch is not adequate by itself as a ground cover. Select plants for their year round interest, as well as their form, texture and shape value. Use a mix of evergreen and deciduous plant materials. Drought tolerant landscape materials are emphasized for all projects.

2. Surfacing Parking Lots.

When applicable, projects shall comply with the City's "Parking Lot Shading

Guidelines”.

3. Project Landscaping.

For projects with required landscaping, planting shall be provided between parking areas and buildings, between driveways and buildings, between buildings, adjacent to building elevations, at project entries, between parking areas and the street, and at property boundaries.

4. Front Landscaping.

For residential projects the front yard shall be predominantly landscaped with plants. Hard surface paving for patios, terraces or drives shall be minimized.

5. Irrigation.

All areas with required landscaping shall be irrigated with permanent timed automatic systems.

6. Landscape Maintenance.

All areas shall be kept free from weeds and debris and maintained in a healthy condition. These areas shall receive regular pruning, fertilizing, mowing and trimming. Damaged, dead, decaying plant material shall be replaced in 30 days.

**C. Property Maintenance.** Property owners are responsible for maintaining all buildings, structures, yards, signs, parking areas and other improvements in a manner, which does not detract from the appearance of the surrounding area. Parking lots shall be maintained in an attractive and suitable fashion with any potholes, significantly cracked or uneven paving and any other significant damage repaired in a timely fashion throughout the life of the project.

**D. Garbage Service and Trash Enclosures.**

1. Enclosure Design. Enclosures and landscaping shall be provided around trash and recycling facilities. The design, size and capacity of trash and recycling facilities shall be determined as part of the design review application. Materials used in the enclosure shall be architecturally compatible with the building(s) they serve. The facilities shall relate appropriately to the building(s) and shall not be obtrusive in any way or detract from the building design theme.
2. Residential Projects. Trash storage areas shall be included as an integral part of the project design, particularly storage and screening where along an alley.
3. Recycling of Construction Waste. For retail, mixed use or multiple unit projects. A plan for recycling of construction waste shall be submitted and reviewed by the Planning and Building Departments prior to issuance of site permits.

**E. Screening.**

1. Buffering/Screening. Where a more intensive project is located adjacent to a less intensive use, such as a single-family residence, substantial screening and buffering shall be provided. The buffer should include a combination of fencing and landscaping to fully screen views and minimize noise, glare and other potential nuisance impacts. New buildings will be required to provide substantial screening even if this requires increased setbacks.
2. Building Access. Customer access should be taken from the front or street side of the structure rather than from the rear or side that abuts a single-family or lower intensity use. Commercial, office or multi-tenant residential uses should generally be pedestrian

oriented and the intensity in the number of trips required to and from the site minimized.

3. Mechanical Equipment. All mechanical equipment, such as, utility meters, backflow devices, air conditioning units and storage tanks shall not be readily visible to the general public and shall be located in the most unobtrusive manner possible. Equipment shall be fully screened from the front setback. Concealment within a building is preferred. If not possible then such utility elements shall be screened. Screening may include locating adjacent to the building, away from the public sidewalk and using decorative fencing and/or landscaping. Noise impacts of equipment must be mitigated. Noise shall be accommodated solely on the subject property rather than be placed in such a manner as to cause impact to adjacent properties.

#### **F. Fencing.**

1. Chain Link Fencing. In all districts, chain link fencing shall not be allowed. Fencing shall be architecturally compatible with adjacent buildings.
2. Front Yard Fencing. In all districts fencing in the front yard shall not exceed 42 inches in height and shall be an open (50% open), semi-transparent material.
3. Alley Fencing. Shall be a maximum height of 6 feet. At a minimum, the top two feet are encouraged to be an open (50% open), semi-transparent material

#### **G. Exterior Lighting and Illumination.**

1. Lighting adjacent to residential uses. Outdoor lighting shall be design to be non-obtrusive. To the extent possible exterior lighting shall be located below a fence or screen height.
2. ~~Ordinance 1966~~. All lighting shall be shielded and directed downward consistent with provisions of the City's Outdoor Lighting Control Ordinance ~~1966~~ **Municipal Code Section 8.17.0**.

**H. Signs.** Signs shall be subject to the City's "Downtown Davis Sign Design Guidelines".

**I. Energy Conservation.** Windows shall be shaded from the summer sun and trees shall shade south and west exposures. Landscaping shall be planted adjacent to a building face to the extent possible to help reduce heat and glare.

#### **J. Parking/Access.**

1. Access. Curb cuts shall be minimized. Where necessary for access the drive and access shall maintain a single-car width (10-ft.) until the driveway extends beyond the rear of the primary structure.
2. Front setback Parking. Where a property is located on an alley, required parking shall not be located in the front setback. Parking should be located in the rear portion of the lot. For properties that do not have alley access required parking should not project beyond the front plane of the primary building. Consideration for one parking space to extend beyond the front building plane may be allowed in those situations where existing development on a residential site precludes locating parking behind the building.
3. Garage Location. The garage shall be setback so that parking will not extend beyond the front plane of ~~the a~~ primary building, except for the portion of town or row house projects adjoining the alley immediately west of B Street.

4. Screening. For commercial, office, institutional or multi-tenant residential located adjacent to a single-family use or district, parking may be allowed to the side or rear with sufficient screening to minimize potential privacy, noise or glare impacts on adjacent single family uses. Access and parking spaces shall be located as far from the adjacent single family use as possible. At a minimum, screening shall include a combination of fencing and landscaping. An adequate planting buffer shall be provided, a minimum of 5', to accommodate the mature growth of all shrubs or trees provided for screening purposes. Additional planting width, up to 10 feet may be necessary if a dense planting screen is required for privacy and noise buffering.
5. Alley access for commercial, office or multi-tenant residential uses.
  - a. While an alley may help serve as a buffering element between uses, intensive use of the alley by the proposed commercial, office or multi-tenant residential use should be minimized, particularly if located mid-block and in order to access user must pass by multiple residential uses to reach the destination. While this does not preclude use of the alley, uses or conditions that generate fewer vehicle trips are preferred.
  - b. Specific provisions for use and improvement of the alley located immediately west of B Street parcels located between Second Street and Fourth Street are noted in Sections 8, 9 and 10. c. and the Design Guidelines.
6. Bicycle Parking. Where required, the location and number of bicycle parking spaces shall be determined as part of project review.

#### **K. Alley Maintenance**

At the time new development a new office use is permitted in the University Avenue B Street Transition District, the proponents of the office space project shall be required to commit to contribute to the improvement and ongoing repair and maintenance of the alley.

### **SECTION 11. 12. FINDINGS AND EXCEPTIONS TO STANDARDS**

**A. Findings for Conditionally Permitted Structures.** In addition to the findings required for conditionally permitted uses, the following should be considered when the conditional use involves new construction.

1. That the proposed building and/or use reinforces and enhances the unique nature and character of the neighborhood.
2. That the project is consistent with applicable site and building development standards, guidelines and policies.
3. That appropriate design elements are incorporated into the proposed use/structure so that it is compatible and complementary with neighboring properties and uses.
4. That adequate conditions are included on the proposed conditional use and property to maintain ongoing compatibility with the surrounding neighborhood. Use parameters shall be sufficiently clear to determine the threshold of change that would require a new or modified conditional use permit.

#### **B. Exceptions from Parking Standards and Required Findings.**

A one space exception to parking requirements may be requested for accessory structures and secondary dwelling units subject to a Tier #3 review. All other requests for parking

reductions shall be subject to Final Planned Development Review. Requests for exceptions shall be subject to the following findings:

1. For parking exception requests of one space:
  - a. That there are unusual physical circumstances on a lot that may cause it to vary from other lots in the ability to provide the required number of spaces including unusual lot configuration or significant landscaping, such as a large mature tree, that would have to be removed or potentially damaged as the result of construction of a parking site.
  - b. That there will not be a significant negative impact to surrounding properties and streets.
  - c. The main structure has fewer than 5 bedrooms, or the property less than 6 bedrooms (including secondary structures).
2. For parking exception request greater than one space, but in no case shall the exception result in a reduction of parking of more than 50% of the required parking (or for parking exception requests above, Section ~~4~~.12. C.1, for projects with 5 or more bedrooms in the main structure, or 6 or more bedrooms on the total property):
  - a. Sufficient evidence has been provided to establish that there are unique aspects of the use/location that justify a reduction in parking standards. This may include submittal of a parking analysis prepared by a qualified professional (such as a traffic engineer) when deemed necessary to evaluate the merits of the request.
  - b. That there is adequate parking available within a reasonable distance from the project site or that there is opportunity for shared parking.
  - c. That the majority of users will generally not need to use an automobile to access the site.
  - d. That the sufficient on-site parking is provided to reasonably meet baseline needs of the use.
  - e. That an analysis be provided of possible future impacts should the proposed use change.

### **C. Exceptions From Setbacks and Findings For Subareas A, B ~~and C~~, D and E.**

Exceptions to setback requirements may be considered through a **Minor Modification Process** or through a Final Planned Development (FPD) process for those instances where all or a portion of a single-family use abuts a more intensive use. In those cases, exceptions from setback standards may be considered if the following findings can be made:

1. That the project requesting the exception ~~is required as a~~ incorporates means of achieving additional buffering for the single-family use, i.e. allowance for a detached accessory structure to be located on a rear property line where the rear lot abuts a larger, more intensive use structure which is itself located at or near a rear property line. This would typically tend to occur on contiguous internal property lines rather than on a rear or side alley property line.
2. That it is determined that the intensity of development on the lot is not significantly greater than that of adjacent properties, except where greater intensity of development is allowed under Subareas D and E; and
3. That the setback exceptions will not result in a nuisance situation for adjacent properties.

### **D. Validity of Previous Approvals**

Projects that have received development approvals (such as design review or use permit) or building permits prior to the effective date of this ordinance, that do not meet the requirements of this amended Planned Development, shall be deemed to be legal non-conforming uses or legal non-conforming structures if built and occupied in accordance with the development approval or building permit.

SECTION 13. SPECIFIC PLAN AMENDMENT REIMBURSEMENT FEE. Pursuant to Section 65456 of the California State Government Code new development occurring within Sub-Area D, Retail with Offices District, and Sub-Area E, B Street Transitional District that benefit from the amendments to the specific plan approved on \_\_\_\_\_ which resulted in development cost savings due to reducing the cost of documenting environmental consequences, changed land uses and development regulations, are subject to the specific plan amendment reimbursement fees as noted in Resolution \_\_\_\_\_ dated \_\_\_\_\_.

**SECTION 12-14. OVERALL PROJECT FINDINGS.**

**A. The City Council of the City of Davis hereby finds that the criteria for the approval of the preliminary planned development have been fulfilled.**

**B. The preliminary planned development is in conformity with the general plan in that it implements the general plan land use and Core Area Specific Plan land use designations as amended.**

**C. The preliminary planned development is in conformity with the intent of the planned development article of the zoning chapter in that it provides for a variety of uses and building types while providing standards that promote the public health, safety and general welfare.**

**D. The City Council further finds that it has reviewed and considered the environmental impact, negative declaration #7-01, and B and 3<sup>rd</sup> Streets Visioning Process Environmental Impact Report SCH#2006012026 and has determined that these documents adequately addresses identify the potential significant environmental effects of the amended subject rezoning/preliminary/final planned development and will not have a significant negative effect on the environment identified mitigation measures will be required as conditions of development approval, and a Statement of Overriding Considerations has been adopted for the potential environmental effects that cannot be mitigated to a less than significant level.**

**SECTION 13 15. EFFECTIVE DATE.**

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

INTRODUCED ON \_\_\_\_\_, 2007 and PASSED AND ADOPTED on \_\_\_\_\_, 2007 by the following vote:

AYES:

NOES:

ABSENT:

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Ruth Uy Asmundson  
Mayor Pro Tem

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Margaret Roberts CMC  
City Clerk