

**Planning Commission Minutes
Community Chambers
Wednesday, April 29, 2009, 7:00 p.m.**

Commissioners Present: Mark Braly, Ananya Choudhuri, Greg Clumpner (7:15),
Lucas Frerichs, Kris Kordana, Mike Levy, Terry Whittier

Commissioners Absent: Rob Hofmann

Staff Present: Katherine Hess, Community Development Director; Mike
Webb, Principal Planner; Danielle Foster, Housing &
Human Services Superintendent; Lynanne Mehlhaff,
Planning Technician

1. Call to Order

Vice-Chairperson Braly called the meeting to order at 7:03 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Staff and Commissioner Comments (No action).

Mike Webb, Principal Planner, announced that the Climate Action Team meeting will be presenting another community forum of their efforts starting at 6:30 p.m. in the Community Chambers.

Vice-Chairperson Braly said the Climate Action Team meeting will be reporting about a climate action plan for Davis which they will be reporting to the Natural Resources Commission.

4. Public Communications

There were no public communications.

5. Consent Items

A. Planning Commission Minutes of July 9, 2008

B. Planning Commission Minutes of March 11, 2009

Action: Commissioner Levy asked to rephrase a sentence on the second bullet of the bottom of page 2 of the minutes of July 9, 2008 and state “A Commissioner stated this Ordinance works well...” There were no other changes to either set of minutes. Commissioner Whittier moved approval for both sets of minutes with the correction; and Commissioner Levy seconded the motion.

AYES: Choudhuri, Levy, Whittier, Kordana, Frerichs, Braly
The motion passed unanimously 6 to 0.

6. Public Hearings

- A. PA #49-08, 4323 Almond Lane, Revised Final Planned Development #03-08; (Lynanne Mehlhaff, Planning Technician)**
Public Hearing to consider approval of a Revised Final Planned Development application to allow flexibility in the siting of a house on the lot located at 4323 Almond Lane in the Willowbank Unit #9 subdivision of south Davis. The proposed project would reduce the rear yard setback from 70’ to 60’ and reduce the required usable open space from 20% to 6.7%. The 11,280 square foot parcel is vacant and contains approximately 4,150 square feet of Putah Creek buffer which is required to remain as a riparian area.

Lynanne Mehlhaff, Planning Technician, presented the staff report.

Chairperson Clumpner arrived at the meeting at approximately 7:15 p.m.

Vice-Chairperson Braly opened the public hearing.

Steve Sherman, applicant, said he was available for questions and agreed with the staff report.

Vice-Chairperson Braly closed the public hearing.

Action: Commissioner Whittier moved approval of the application as proposed. Commissioner Levy seconded the motion.

AYES: Choudhuri, Levy, Whittier, Kordana, Frerichs, Braly, Clumpner
The motion passed unanimously 7 to 0.

- B. Middle Income Housing Requirement;
(Danielle Foster, Housing & Human Services Superintendent)**

Public Hearing to consider recommending that the City Council approve of a temporary reduction in the middle-income requirements for projects exceeding the specified net density of 10 dwelling units per acre. In 2005, the City Council adopted the middle income policy and ordinance to ensure adequately priced housing options for members of the local workforce.

Danielle Foster, Housing & Human Services Superintendent, presented the staff report.

Katherine Hess, Community Development Director, explained additional information and answered questions from the Commissioners.

Vice-Chairperson Braly opened the public hearing.

Mark Rutheiser, a Davis resident, read off a list of all the new local ordinances such as the green building ordinance, green house gas reduction targets, visitability/accessibility and affordability to name a few. He stated they were charting new territory with denser housing and small energy efficient homes. He felt by bringing higher density projects you will see more market middle income homes. He said it was a dilemma when you have price-restricted units and market rate; you end up selling things for less due to their restrictions. He said the combination of the economy and the climate change restrictions from the state and then adding in the local ordinances with green house gases, all added costs to projects. There is a sweet spot where 5-7 units per acre worked well. He felt the middle income ordinance should be totally suspended; it was a problem and is hampering development of middle income homes now. In 2-3 years, the City could look at it again and see if Middle Income should be brought back.

Don Fouts, a local developer, said as housing development gets denser it doesn't mean you are making more money. Every unit has some fixed costs and the more units you build, the more affordable units you have to provide. You have to have 1.5 - 2 market rate units to cover one affordable unit. The projects have to be more economically viable today to get them financed to move forward. Some kind of an adjustment needs to be made in order to make projects economically viable to move forward. The middle income ordinance doesn't work; nothing has been built since it was adopted.

Vice-Chairperson Braly closed the public hearing.

Commissioner comments (not consensus):

- By reducing the middle income amount, it puts a further squeeze on the middle income people who we are trying to have stay in Davis because it would allow more speculative homes to be built. There is already trouble for these people to get loans approved and find affordable housing in Davis.

- If we are advocating high density and smaller homes, then we should let the market decide and leave it alone.
- The more dense, smaller lots doesn't necessarily mean it is cheaper; a Longview cottage sold for \$450,000 recently and the Aikens townhouse project downtown will be expensive.
- This is like the stock market; we are allowing more market rate housing now in the short term but in 2 years we could be in a different place and will have lost our housing supply for Middle Income in the long term. Housing supply is the ultimate long term; we should leave it alone.
- One of the 2008-2010 Council goals is to review City policy requirements to determine if a cumulative impact of such requirements affects the provision of certain types or total supply of housing. Along with that are about ten different categories including the recently passed greenhouse gas reduction ordinance, green building, ag mitigation, Parkland dedication etc. Why are we singling out the Middle Income housing Ordinance? Why don't we have staff come back with an example of typical middle income housing costs per unit with all of the fees such as parkland, Swainson's Hawk and all the other items. Then we will be able to make a much better decision. We may find other fees that have the same impact as the Middle Income housing Ordinance.
- This should just go to City Council for a decision without a recommendation.
- It doesn't make any difference whether we have a middle income ordinance because the Davis market is higher than the surrounding areas. Our middle income levels are higher than Woodland for example.

Action: Commissioner Levy moved approval of staff recommendation. The motion died due to lack of a second. Commissioner Frerichs said he needed more detailed information on all the costs per housing level. Commissioner Frerichs substituted the motion with asking for staff to come back with more information with costs per category as listed on page 2 and 3 in the staff report and any other mitigation fees for the May 13th meeting. Commissioner Kordana seconded the motion and stated with an ordinance that is only four years old and now the new greenhouse gas ordinance, we may need to go back and review what the trade offs are if there are development issues. We need to look at the long term plan and not plan for the short term. Chairperson Clumpner agreed and said this may only be a short term fix and we need to look at the bigger picture as well.

Commissioner Levy didn't support the motion. He said the Council wants information on this and if the trade off is on affordability versus environmental sustainability then we should go with the environment. This is a trade off and people may need to have more rentals rather than buyers of houses.

AYES: Choudhuri, Frerichs, Kordana, Clumpner
NOES: Whittier, Levy, Braly

The motion passed 4 to 3.

Vice-Chairperson Braly re-opened the public hearing again for the Middle Income housing ordinance and continued it until May 13th.

7. Business Items

A. Green Building Ordinance/Greenhouse Gas Update

Mike Webb presented the staff report.

Commissioner comments (not consensus):

- Took exception to the statements in the staff report that the Planning Commission's interests in the issues related to the re-sale ordinances or greening is not within the Planning Commission's purview; this would seem to be a contradiction. Strongly disagreed and felt the other Commissions had targeted specialized interests such as Social Services and the Tree Commission and the like. But the Planning Commission has to synthesize all of them and put them all together and we have ultimate responsibility for the General Plan which involves all of these issues.
- Even though there hasn't been a lot of projects developed yet for the Build It Green Ordinance, still concerned that there wasn't enough information on what was feasible to require when the ordinance was first adopted. He didn't feel BIG Ordinance was stringent enough. Would like to hear from others in the community, builders and outside our community to hear what is practical to accomplish within the context of the ordinance and consider whether or not our point values were too lenient or too stringent.
- Would like to know what we could do with the re-sale ordinance, what kinds of things could we require. Would like to have people who are experts in the building and environmental community give us an education on what kinds of physical things that can happen on point of sale houses (resale).
- The resale program was an item of great interest to the Natural Resources Commission and they would probably be glad to do research and look into this in detail with their expertise.
- The newly adopted Green House Gas ordinance will be coming back to both the Planning Commission and Natural Resources Commission for review. The Council may be open for suggestions.
- One Commissioner stated that there probably hasn't been enough time gone by to allow Build It Green to really enact any changes and re-assess the point thresholds yet.
- It is very important for the Planning Commission to be involved with all these topics because of the overlap of our jurisdiction with the other Commissions and our involvement with the General Plan.

Staff stated that there hadn't been enough projects and few permits issued that the City hasn't had enough time to experience the Build It Green program and provide meaningful feedback at the local level.

Commissioner Levy made a motion requesting there be an agenda item to have a future joint Planning Commission meeting with the appropriate Commission(s) where we can hear from professional/skilled people on identifying feasible methods to increase the environmental sustainability of our existing infrastructure at point of sale.

Chairperson Clumpner seconded the motion.

Katherine Hess said staff will consult with the staff of the Natural Resources Commission on a joint meeting.

AYES: Choudhuri, Frerichs, Kordana, Clumpner, Levy, Braly

NOES: None

Abstained: Whittier

The motion passed 6-0-1.

Chairperson Clumpner pointed out that with the City moving ahead on this financing program since they requested an RFP on it; the existing housing stock is where things are going to happen. If the financing makes available for people to buy solar units to go on existing homes, that could be a large effect and a practical way for people to purchase solar systems.

8. Informational Items

A. Planning Commission Schedule

Commissioner Choudhuri asked for a CD of the Wildhorse Draft EIR so she could record her written comments on it.

9. Staff and Commissioner Comments (continued).

There were no staff or Commissioner comments.

10. Public Communications (continued).

There were no public communications.

11. Adjournment to the next regular Planning Commission meeting to be held on Wednesday, May 13, 2009 in the Community Chambers (23 Russell Boulevard).

The meeting was adjourned at approximately 9:39 p.m.