

**Planning Commission Minutes
Community Chambers
Wednesday, September 9, 2009, 7:00 p.m.**

Commissioners Present: Mark Braly (Chairperson), Ananya Choudhuri (Alternate), Rob Hofmann, Kris Kordana, Mike Levy (Vice-Chairperson), Terry Whittier

Commissioners Absent: Greg Clumpner, Lucas Frerichs

Staff Present: Mike Webb, Principal Planner; Cathy Camacho, Planner; Xzandrea Fowler, Planner; Lynanne Mehlhaff, Planning Technician

1. Call to Order

Chairperson Braly called the meeting to order at 7:01 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Staff and Commissioner Comments (No action).

Mike Webb, Principal Planner, gave an update on the appeal application of the fence at 2532 Oakenshield Road, which was heard at the last Planning Commission meeting. There was no appeal filed on the decision made by the Planning Commission.

The City Council took action on the 5th Street corridor (A-L streets along 5th) and endorsed the Road Diet concept unanimously 5 to 0.

Other announcements for upcoming special events were made.

Commissioner Whittier asked when a joint City Council meeting with the Planning Commission would be scheduled. Staff said the City Council was working on the schedule.

4. Public Communications

There were no public communications.

5. Public Hearings

A. PA #06-09, 1818 Fifth Street, Conditional Use Permit #03-09, for collocation of a wireless broadband internet facility on an existing cell tower monopole in the City Parks Corporation yard;

(Lynanne Mehlhaff, Planning Technician)

Public Hearing to consider approval of a revised Conditional Use Permit to install an antenna array at the 89 foot centerline elevation of an existing T-Mobile 100 foot monopole located at 1818 Fifth Street, the City Parks Department Corporation yard. The antenna array will be flush-mounted on the monopole and will consist of three 42" panel antennas, three BTS units (signal enhancement devices) and five 2 foot microwave dishes. Ground equipment will be placed within a 50" H x 25"W x 25"L leased area in the existing equipment compound at the base of the monopole. This conditional use permit was approved before in 2007 but Clearwire now needs to locate the antenna array at a higher elevation on the pole and add two additional microwave dishes.

Lynanne Mehlhaff, Planning Technician, presented the staff report.

Chairperson Braly opened the public hearing.

Brian Van Asten, applicant for Clearwire Wireless, said he was available for questions from the Commissioners.

Chairperson Braly closed the public hearing.

Action: Commissioner Hofmann moved approval of the conditional use permit with the revision of condition #11 for staff to work with the applicant to require additional screening along the perimeter where the public has views into the enclosure of the equipment such as slats in the cyclone fence. Commissioner Choudhuri seconded the motion.

AYES: Hofmann, Kordana, Choudhuri, Braly

NOES: none

Abstain: Whittier, Levy

The motion passed 4-0-2.

B. PA #06-08, 1311 Drake Drive, Le Chamois apartments, Condominium Conversion proposal, Waiver of Tentative Subdivision Map #08-08; (Cathy Camacho, Planner)

Public Hearing to consider approval of converting the existing multi-family apartment development located at 1311 Drake Drive to a condominium project (“Redwood Grove Condominiums”). The subject site is a .55 acre parcel (23,780 square feet) located in the Residential Garden Apartment (R-3-M) zoning district. The development contains ten rental units located in two buildings constructed in 1979. Under the proposal the rental units would be converted to ten airspace condominium units. The condominium plan would also include common parcels (laundry facility, outdoor open space, parking lot). Building exteriors and common parcels would be owned and maintained by a Homeowner’s Association. The conversion of the multi-family rental units to condominiums would permit the applicant to sell each residential unit individually. The property owner intends to retain the units as rental units at this time, with some or all of the units to be marketed in the future. Existing tenants would not be displaced.

Cathy Camacho, Planner, presented the staff report.

Chairperson Braly opened the public hearing.

Christina Chang, owner of the apartments, said the apartments were built originally for conversion to condominiums in the future. She answered questions and explained the cost of the units.

Chairperson Braly closed the public hearing.

Commissioner comments (not necessarily consensus):

- Concerned with how the leasing could be manipulated so people who are long term tenants could be forced to move.
- Concerned with the ordinance and the future of more condo conversions and how to deal with it appropriately.
- Concerned with the loss of rental stock; if the majority of the occupants are students and are allowed to stay for a few years, then they wouldn’t mind agreeing with the condo conversion because they would be moving on eventually anyways.
- There are inherent risks in life with renting and an ordinance could never completely mitigate that. The City Council could take this up and modify the ordinance if necessary.

Will Marshall, Assistant City Engineer, explained how the Subdivision Map Act had provisions for the timing of filing tentative and final maps.

Action: Commissioner Kordana moved approval of the condominium conversion project. Commissioner Whittier seconded the motion.

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

Vice-Chairperson Levy asked that staff take a look at Municipal Code 36.13.040(b) (1), about the 4.9% and consider whether that should be a lower number. Also, staff should consider revising (b) (2) to make it only apply if 50% or more of the rental units are actually occupied by people who have their permanent residence in Davis or otherwise possess a long term lease.

Staff said this topic would be passed on to the City Council and it could be discussed at a future joint meeting.

Planning Commission recessed at 8:16 p.m.

Planning Commission reconvened at 8:25 p.m.

- C. **PA #42-08, Willowbank Park Subdivision No. 4955, Mace Boulevard and San Marino Drive/Redbud Drive, General Plan Amendment #01-08, Preliminary Planned Development #02-08, Specific Plan Amendment #02-08, Tentative Map #7-08, Final Planned Development #04-08, Affordable Housing Plan #2-08, Design Review #27-08, Development Agreement #6-08 and Negative Declaration #05-08; (Xzandrea Fowler, Principal Planner)**

Public Hearing to consider a proposal of a 27 unit single family residential subdivision on the vacant 4.48 acre site located on Mace Boulevard between San Marino Drive and Redbud Drive in south Davis. The proposed density is medium and five lots are proposed as low-income, "for-sale" units. The proposed homes range in size from approximately 1,200 square feet to 2,600 square feet. The proposal includes a pedestrian walking path along the north property edge, adjacent to Putah Creek. There is also a proposed bike path connection to the existing Willowbank greenbelt bicycle path that is located to the west of the project site.

Xzandrea Fowler, Planner, presented the staff report.

Mike Webb, Principal Planner, added more information regarding the Red Fox and that the Open Space Commission would be weighing in on the Red Fox issue at their meeting next week. He

also explained that the staff and neighbor's proposal presented in the staff report were conceptual only and not what the applicant was submitting.

Chairperson Braly opened the public hearing.

Dave Taormino, applicant, said they met with the neighbors and reduced the lot count, addressed some of the parking concerns, separated the utilities for the affordable units, and closed off Pistachio Court to alleviate the through traffic.

They have not satisfied the neighbors with density. He didn't believe their proposal would impact the neighborhood. He also said the alternate sketches were not done to architectural standards. He said if you wanted traditional market rate lots you would end up with 17-18 lots. There has been much angst over the removal of the turf at the bike path and they were flexible about the three design choices to solve this issue.

The revised project will produce about \$1.5 million in fees to the City. He said they voluntarily agreed in their Development Agreement to use local Davis people and supplies as much as possible. He said this project will be built; other projects have not been built. He felt the density issue of impacts had been mitigated.

Meghan Dunnagan, attorney with Downey Brand law firm, said the neighbors appreciated working with staff and the applicant on alternative proposals. She said the neighbors were concerned with CEQA documentation and felt that an EIR was more appropriate than a Negative Declaration. One issue was for the low water pressure problem in the neighborhood as well as water supply problems. Water should be studied in a full CEQA analysis. Another issue was not enough study of the impacts of the design of the plans and impacts on the neighborhood such as the storm water pond and the possible loss of parkland. There is no real analysis in the actual environmental document of exactly how much storm water capacity is required. Neighbors request that an EIR be required and that the Planning Commission not take any action on the project until a full environmental analysis is done.

Mark Luckenhouse, resident in El Macero, was concerned about the density of the proposed project. The neighboring area will be adversely impacted by this high density proposal. He said the long term benefit was to maintain our neighborhoods and the property values as is. This proposal will require changing the General Plan designation which makes the General Plan arbitrary. We need to make decisions that have the best long term financial and aesthetic benefit for the City of Davis.

Bob Serabo of Willowbank, showed a picture from a City Council meeting in August of 2000 where the turf grass was discussed on the north side of this development. He didn't feel the impact of this turf grass being removed was fully discussed. This would reduce the usable open space of that area by 50%. He said there were other issues of fire hazards due to non-irrigation areas that should be discussed as well.

Steve Kafka, resident of San Marino Drive, said he did not oppose the development of this lot. He supported a well considered development. This project was a radical change to the neighborhood because of the higher density. This was not just a simple zoning change but a change to the General Plan and South Davis Specific Plan. If Davis has changed its' idea of what Davis should be as a town, then this change should not be implemented on the margin of the town. This deserves a full and vivid public discussion by the town because it would set a precedent for a significant alteration to the character of the town.

Also, the findings as proposed by staff are not necessarily adequate or well-founded. He said by intensifying development here, on the edge of town, causes more people to drive. We haven't addressed what real sustainability is by building this project. We need a concrete definition of sustainability that isn't arbitrary or capricious. Lastly, the fundamental issue with the project is the density. This should be discussed with the people of the neighborhood that it most affects.

Pat Stromberg, resident of Willowbank #9, said they have a nice community in their neighborhood. This project proposal would take away or reduce a lot of the community items such as green open spaces and bike paths. She said she would like to move forward with a community plan and liked the staff proposal with the neighbors input as a compromise.

Walt Howell, adjacent owner to the proposal, has lived there for 52 years. He said the developers have done the best they could do and we all have to learn to give and take.

Bev Kafka, resident of San Marino Drive, said they preferred fewer people living across from the creek. Most of the trees in the creek area are deciduous so half the year there is complete visibility across the creek. They would prefer fewer people facing their backyards and having views into their homes.

Bev Cooper, resident of El Macero, said Mace Boulevard traffic had become increasingly heavy over the past 30 years. She didn't feel the project would help reduce the traffic. There was a water pressure problem; they have experienced it. This project would be irrational without more studies done on the water pressure and conveyance problem.

Jason Taormino, applicant, spoke about the positive energy savings with the project. He said they planned to do 35% above Title 24 which included extra insulation, low 'e' window coatings, tankless water heaters, solar thermal which cuts down the use of natural gas to heat water by 25-40%, and smart vents. The goal on the energy savings was to drop the homes out of the top two tiers of energy usage. He said for the rest of the houses to meet the goals of the green house gas program, this would be determined in the future with staff.

Julie Elmen, resident of Willowbank #9, said she would like to see the completion of the Pistachio Court cul-de-sac. She saw this as an advantage for parking and traffic. She really wanted the continuation of the bike paths which Davis was known for. She said the

neighborhood revision to the staff plan addressed the width of the greenbelt area and added a possibility for a play structure which was ideal. She welcomed a new neighborhood here.

Dave Taormino, spoke to the neighbors proposal and how he couldn't get financing for just 25 lots. He felt a church use on this property would be a much more intense use than their proposed project. He said they planned to build nice quality homes with local builders building them. There is a lack of new housing choices in this town now.

Vice-Chairperson Braly closed the public hearing.

Commissioner comments (not necessarily consensus):

- We have to be careful on what we ask for; very hard to compromise. What may be better is the original development proposal for the community at large and not compromise so as to please the immediate neighborhood.
- This is an infill project where the goal is integration and not isolation. Some parts of the project seem to promote a bit of isolation; should be careful with future projects.
- The most important part of an infill project is to provide as much density as possible without going overboard; this project having 26-27 units is not a big deal. The bigger issue is how to integrate the lots to the northwest, the affordable units. Whether we go with the proposal or staff's reconfiguration, we need something better that will integrate with the site and not have a big parking lot in the middle.
- Would like the comments addressed on CEQA which the attorney brought forth this evening. Concerned with a number of those comments made.
- Concerned with the proposed design yet wanted the project sent on; didn't want to wait for a re-design. There wasn't enough information today to know if the proposal is feasible and stay consistent with everything including the bike path, turf grass issues etc.
- Concerned with the greenbelts and bicycle paths going through.
- Concerned with proposed plan of the peculiar design of the affordable units; staff alternative plan was better. The landscaping along Mace Boulevard was eliminated on proposed plan and bike path was abbreviated. This seems like we are backtracking on some of the City's policies regarding open space and bike paths.
- Liked the revised plans shown on pages 12 and 13 by the developer as recommended by staff. Recommended that the City Council consider these pages 12-13 with lot #22 eliminated to give more space for the affordable housing on lots 23-27 to be re-configured for better access, parking lot shading etc.
- Didn't agree with extending the greenbelt all the way through as neighbors suggested. This is not a big project and there isn't room for an adequate greenbelt with lighting and placing neighbors so close together as well as cost to the City to maintain.

Action: Vice-Chairperson Braly moved approval of the staff alternative plan on page 4. Commissioner Hofmann seconded the motion for discussion. Commissioner Hofmann said if

the developer says the staff alternative plan is not feasible than this is a problem and shouldn't go further. Staff said it was possible to continue this project to September 23. Commissioner Levy said he agreed with staff to continue the project to try to flush out what would be the correct feasible configuration.

Commissioner Kordana said the objective of the bike path was to take traffic off of Mace Boulevard rather than funnel traffic to Mace Boulevard. He supported the proposal by the developer on pages 12-13 as recommended by staff.

After some discussion, Commissioner Whittier substituted the motion to recommend to City Council staff recommendation of items #1-7 on the staff report which was the applicants revised plan. Commissioner Choudhuri added a friendly amendment for staff to respond to the attorney's letter received today regarding the CEQA questions raised. Commissioner Kordana seconded the motion.

AYES: Choudhuri, Whittier, Levy, Kordana

NOES: Hofmann, Braly

The motion passed 4 to 2.

Vice-Chairperson Levy moved to direct staff to *verify* the assumptions in the schematics as identified as staff alternative plan and neighborhood revision to the staff alternative plan when it goes to the City Council so that the data is available, should the Council choose to do something differently. Chairperson Braly seconded the motion.

AYES: Choudhuri, Levy Braly

NOES: Hofmann, Whittier

ABSTAIN: Kordana

The motion passed 3-2-1.

Commissioner Hofmann stated he thought it inappropriate and unfair for the commission to ask the applicant to incur more time and expense to establish that an alternative to their proposal was infeasible when the Commission had just decided that the project should move forward as proposed.

6. Business Items

There were no business items.

7. Informational Items

A. Planning Commission Schedule

Mike Webb went over the upcoming schedule.

8. Staff and Commissioner Comments (continued).

There were no staff or Commissioner comments.

9. Public Communications (continued).

There were no public communications.

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

The meeting was adjourned at approximately 11:04 p.m.