



Meeting Minutes

City of Davis

Downtown Davis Plan Advisory Committee Meeting

Senior Center Activity Room, 646 A Street

Tuesday, December 10, 2019

7:00 P.M.

Committee Members: Meg Arnold (Chair), Michelle Byars (Vice Chair), Josh Chapman, Judy Corbett, Mary DeWall, Chris Granger, Larry Guenther, Darren McCaffrey, John Meyer, Sinisa Novakovic, Eric Roe, Deema Tamimi, Randy Yackzan

Liaison Members: Matt Dulcich, Doug Buzbee, Todd Edelman, Cheryl Essex

Not Present: Catherine Brinkley, Ted Parks

City Council Liaisons: Brett Lee, Dan Carson

City Staff: Eric Lee

1. Call to Order and Roll Call

Meeting was called to order at 7:04 p.m. Member attendance noted. Catherine Brinkley, Ted Parks absent.

2. Approval of Agenda

Motion to approve agenda by McCaffrey. Seconded by DeWall. Approved unanimously.

3. Approval of Minutes

Motion to approve the November 14, 2019 meeting minutes by McCaffrey. Seconded by DeWall. Approved unanimously.

4. Brief Announcements from Staff, Committee Members, or Liaisons

Chair Arnold noted previous DPAC discussions and actions related to the area on east side of the train tracks, the University Avenue area, and the Trackside property; she and Eric Roe are small investors in the Trackside project; referenced the letter from the Old East neighborhood and response from the City Attorney; and noted that DPAC can choose to review any and all of their recommendations made to date. Chair Arnold announced that the Vice-Chair would be managing the meeting during discussion of the Trackside property.

5. Public Comments on Items Not on the Agenda

Public comments made by Cathy Forkas included that at their November 14, 2019 meeting Trackside partners requested consideration for their site, DPAC reversed a decision related to the 3-story transition zone, it was a split vote at the eleventh hour and harmed the community's trust, and members were conflicted.

6. Regular Agenda Items

The following agenda items were covered.

6a. Transportation Management Associations

- a. Introductory comments on the topic by M. Dulcich. Comments included that TMAs are often underfunded and that the fee is often small for small businesses and higher for larger businesses, one of the services provided can be an emergency ride home, TMA participation seems appropriate for the downtown plan as more workers come from out of town. Additional comment from C. Granger noted the multiple presentations on TDM to DPAC from experts and staff, discussions of creating a local structure, and that a TMA was just one of many ways to provide structure and is not exclusive.
- b. Public comments from G. Rowe included comments that the issue is not with TMAs, but that the downtown plan says it is mandatory, considers it regulatory overreach, recommends removing the mandatory requirement, and that it may drive businesses away.
- c. DPAC comments included:
 - Whether TDM strategies could be located outside of the specific plan so they can be changed or updated more easily
 - Importance of TDM to the plan and achieving the goals of the plan.
 - UCD can be great partner.
 - Need to look at information provided for collective benefits to businesses and employees. Need to look at competitive strategies to be competitive.
 - A need to think differently about transportation since the plan proposes no minimum parking requirements.
 - Opportunity for a single agency or one entity instead of creating separate University and City entities.
 - At the university, employees pay for parking. Employer does not contribute. Parkers pay to help fund transportation management programs. Students pay for their transit as part of their registration fees. Parking fees on campus help provide benefits to those who do not drive.
 - Emergency ride is a good service.
 - Plan calls for less parking so need to do something differently. The more that employees don't drive the better for everyone.
 - Reduce GHG emissions by building housing in the core area. Achieve that by removing barriers. Concerned if the financial cost is a burden.

- The number of cars in the University Avenue neighborhood has skyrocketed in the last 30 years. Cars will still be used. Davis context for bus and transit is not easy.
- Some solution for parking needs to be found. If TDM can help, that is good.
- There is a need for TDM. Don't see it working if it is voluntary.
- As business owner, costs continually go up. It would be difficult for existing businesses. Opposed to mandatory requirement.
- City does not have a parking management plan that helps.
- The form based code requires transit passes for employees and residents. One pass per dwelling. TMA fee is a smaller amount. The TMA requirement and transit pass requirement are separate issues.
- Suggestion to defer any action to January meeting. Have staff clarify to what degree there is overlap in the requirements.
- What is the fee structure and clarity on what is being prescribed.
- The EIR can be used to evaluate different alternatives that can be used to inform decisions on the plan.

6b. Affordable Housing Requirements and Fees

- a. Introductory comments on the topic by E. Roe. Comments included concerns about the cost of affordable housing requirements, desire to discourage city from including requirements in the downtown plan, believe that affordable housing is best achieved through government subsidies or large scale projects, it is not realistic for downtown projects, would like additional analysis from Matt Kowta of BAE and his concurrence on feasibility.
- b. Public comments from R. Reed included comments that affordability is a key element, letting market forces prevail has not been effective, council needs to hear different views but it is a serious problem, and should not just have high end housing without having affordable housing also.
- c. DPAC comments included:
 - There are projects in the bay area that incorporate a few very small units. Is that more doable? Easier to do that than standard or larger size units. Affordable by design and less internal subsidy.
 - Construction and permitting fees need to be re-worked. It is one area where a lot of things can be addressed like parking and affordable housing.
 - There are strategies that could make affordable housing feasible without huge outside subsidies. May be a process that occurs later. Encourage staff and council to prioritize so that the plan can be implemented.
 - City has done a great a great job incorporating affordable units in all projects. Integrating them has been healthy for the city. If we don't require new development to do something, how can we get it downtown. Some ideas could include strategic partnerships or the city setting aside some its

land for affordable housing. There are options to think about, but need to think about it from a community perspective of inclusiveness.

- An exciting downtown is a downtown that does the things DPAC has been talking about which would sustainability and inclusiveness. If it is not required, then it won't happen. Not just interested in a simply creating a tall downtown.
- In other areas with large sites, it is possible to get density bonus and dedicate an affordable site, but not downtown. Need to go higher if we want these things. If not economically feasible, it also won't happen.
- The Implementation section lays out recommendations, not new rules or regulations. Opticos previously recommended that it looked at as part of the larger city approach to affordable housing and structure. That is what the recommendations say, which is to continue to require affordable housing. Affordable housing is still absolutely necessary for the City and to achieve the goals. It won't be done voluntarily and believe that it can be done.
- It is not the developer who providing the internal subsidy to support affordable housing. It is the market rate renter. If the rents are not high enough to cover the construction loan, the banks won't lend. Between 2003 and 2018 with the 35% affordable requirement, not a single multi-family project was built. In new projects, the few market rate units in the project would be asked to take care of the entire community's responsibility for the affordable units in the project. If we need to have provisions for affordable housing in downtown, it should be on city property or other property that can be donated.
- The affordable housing recommendations in the Implementation are carefully words. It doesn't specifically put the burden on the builders and doesn't require a specific amount of affordable housing. It is clear that downtown needs to have a wide variety of unit prices and the description in the plan feels appropriate. Affordable housing discussion is a difficult city-wide issue and that discussion can continue to take place on a city-wide level.
- An idea might be to have maximum unit size to keep them more affordable by design.
- If city owned property, it can be cheaper to build, but the height limitation may work against it.
- Clarification provided by Mayor Lee and Council member Carson on the city's current interim affordable housing requirements. It includes general provisions to provide affordable units in the core area, but the recommendations in the draft plan do not conflict with the city's current requirements. City is using SB 2 funds to have BAE to conduct analysis using to see what would work in the city.
- Chair Arnold summarized that affordable housing issue is tied to larger actions by the City. It is appropriate that the Downtown Plan remain consistent with the larger city effort rather than head out in a new direction. Proposed that DPAC leaves these items unchanged and move forward with the document and asked for a motion on the suggestion.

Motion by Corbett to move proposal that DPAC leave the Affordable Housing Action Items #6 in Implementation Table 8C unchanged for the sake of larger city-wide efforts on affordable housing. Second by Tamimi.

Discussion comments that the motion is intended to leave space for creative ideas for providing affordable housing, but that DPAC is not the most suitable forum for it. It should be part of the larger city effort. The Downtown Plan should be consistent with that process and those decisions.

Ayes: Yackzan, Tamimi, Roe, Novakovic, Meyer, McCaffrey,
Guenther, Granger, DeWall, Corbett, Chapman, Byars, Arnold
Noes: None
Abstain: None

6c. Sustainability Implementation

- a. Introductory comments on the topic by C. Granger. Comments noted that tracking the Plan's vision in the Implementation Section is difficult, it does not identify timing or priorities for implementation, and that staff and consultants have previously commented that the details cannot all be included in the Plan and that some items need further study or will be in other implementation documents.
- b. Public comments. None.
- c. DPAC discussion comments included:
 - There may not be enough time to provide more information for the next DPAC meeting, but DPAC can recommend that implementation timing and priorities be added and move forward as part of the final document.
 - EIR will probably set some triggers related to development of units and square footage to mitigate for some impacts, but not as detailed to the extent of the sustainability items.
 - It's been mentioned that it will be an ongoing issue to continue working on specifics around the timeline and priorities in an sustainability implementation plan.
 - Capital infrastructure projects are really the only ones with timed goals assigned except for things already called out for council or staff direction.
 - Urban design and placemaking implementation actions can all be assigned a goal. Not sure how to do that without redevelopment kicking in to make it possible or where the revenue stream would come from to make it possible.
 - A structure can be figured out. There are other items, such as studying and implementing microgrids which have become a more common idea, that we can move more quickly on. We don't have that in a framework right now spelled out. Should get things as good as we can for Council. Can't put a timeline on everything, but there are things we can put timelines on.

- Agree an implementation plan needs dates and milestones. Does not need to be part of the plan for DPAC, but should be a part of it when goes to Council.
- One area that came up in early discussions was the need for economic development and should be called out as an item in the implementation list to do an economic development plan. It needs to be a key part. A lot of the plan doesn't work if it is not a part and need to know the timelines so the plan can work. DPAC doesn't need to manage economic development, but agrees that it needs to be looked at.
- Policy without implementation is paper.

Motion by Arnold that DPAC recommend that the plan goes forward with a sense of prioritization and timing in the list of implementation actions and that staff provide a status update at the January meeting. Second by Guenther.

Ayes: Yackzan, Tamimi, Roe, Novakovic, Meyer, McCaffrey, Guenther, Granger, DeWall, Corbett, Chapman, Byars, Arnold
Noes: None
Abstain: None

6d. G Street Area North of 5th Street

- a. Introductory comments on the topic by J. Meyer. Comments noted issues between the plan and zoning code and bigger policy issue for the area. Two large sites in the area, the Coop site and the Hibbert Lumber site which offers opportunities. Also issue of appropriate transition in the area and the challenge of transition to the Neighborhood Small zone with 2 stories and some historic from the Main Street Medium zone with 4-story block form buildings. The plan identifies the Coop site as a Special Area which has renderings showing nice transitions. The imagery is nice but it is representational. The code for the zone is block form. It presents a dilemma of how to safeguard the transition while not removing the opportunity the area brings. The code doesn't require what the pictures show. Not sure what the Special Area means, but Hibbert Block should also probably be a Special Area. Some micro issues that will also be covered in the Old North comment letter. Old North will be providing a comment letter on these issues.
- b. Public comments. None.
- c. DPAC discussion comments included:
 - Previous DPAC discussions specifically asked that this be looked at carefully. There are good pictures, but not nailed down in details. The comments will help the consultants work on it.
 - Many of the houses on the west side of G Street are being used as businesses. Having a 4-story development across the street may not be detrimental to business uses than if they were residential.
 - Another observation is that on the east side of the railroad tracks there are residences. The plan has generally tried to step down towards residential.

That is not shown in this case. DPAC has not heard from any of those neighbors, but it might be a concern.

- Comment about pictures and the code is generally true. Not sure if there are any pictures showing the maxed out zoning. Different than what's allowed and typically what is built is what is allowed.

6e. University Avenue/Rice Lane Subcommittee Update

- a. Update by the subcommittee and review of the subcommittee notes provided to DPAC on the meetings with the University Avenue/Rice Lane neighbors and property owners. The neighbors were open to change and Neighborhood Medium 3 stories seemed fine. Idea of Main Street Small was raised. Some property owners preferred 4 stories. A couple neighbors against 3 stories, but did not show up at the meetings.
- b. Public comments by A. Ruebner, W. Sagewalker, R. Reed included: Appreciation for the subcommittee work, the meetings were productive and provided good direction, understand that the idea of 3rd Street as Main Street Small was not agreed upon, good and appropriate design is need, but not sure if the form based code achieves that.
- c. DPAC discussion comments included:
 - Clarification on how or if property owners were notified.
 - Subcommittee notes were shared with DPAC, but neighbors understood no final decision was being made.
 - No clear direction on where to go now.
 - Question of what the Main Street Small idea was.
 - Seemed like good process.
 - Seems to preserve a sense of place.
 - 3rd Street is the main connection to campus.
 - The discussions did not produce final decisions, but better than if nothing was done.

Motion by Arnold to recommend that the draft plan be updated to reflect the consensus that emerged from the conversations with the neighbors and property owners. Second by Novakovic.

Ayes: Yackzan, Tamimi, Roe, Novakovic, Meyer, McCaffrey, Guenther, Granger, DeWall, Corbett, Chapman, Byars, Arnold

Noes: None

Abstain: None

7. Other Committee or Staff Communications

- Comment by McCaffrey about interest in asking Opticos to remove maximum unit numbers from the different development types. Request for clarification about density versus units by staff.
- Chair Arnold turned over this part of the meeting to Vice-Chair Byars. Comment letters provided in the meeting packet were noted for DPAC comment.

Public comments from K. Pope, M. Grote, R. Reed. A. Miller included:

- Trackside Center project site is included in the plan boundaries but does not have underlying plan zoning. Worried that it could be left without a zone. This is not a last minute change or comment. Trackside project proponents have been involved in the process since the beginning.
- Believe that DPAC violated Brown Act. Motion related to Trackside had notable specificity. There was personal financial interest. Disagree with city attorney's approach. Asking DPAC to take steps to fix.
- It is a comment on the process, not the plan. There was a violation of the process and undermines trust.
- Stated goal for DPAC is to work together for the main goal of developing downtown. Part of that is thoughtful transition for the neighborhoods.

DPAC discussion comments included:

- Part of DPAC's purpose was to represent various interests and stakeholders.
- Public transparency is important for the Planning Commission. Agree with city attorney that DPAC is an advisory committee and has different rules than commissions. City could not put together a committee that did not have conflicts of interest downtown in order to provide the necessary expertise. Conflicts of interest are inevitable. Would have been helpful in folks with potential conflict revealed that conflict before a vote. For DPAC, recusing yourself is less important than revealing a conflict for public transparency. Might want to consider if DPAC should bring back up the vote on the height issue.
- The city attorney guidance may be technically correct, but there is also a spirit argument. There is no malintent but should revote on the height issue in January. Not required, but impression of good will.
- Comment by Dan Carson that does not believe there were any bad intentions. Point of the process to bring together different voice and to hear from all of DPAC. The process is structured to hear everyone. People should use their best judgment.
- Comment from Brett Lee that DPAC has done excellent work. Some of DPAC's advice will be controversial. Do not want to needless conflict over the process aspects. DPAC can revote to address the

process issue. There will be opportunity for everyone to advocate and provide their input.

- Going back over the DPAC's recommendations would be a good exercise to ensure they still apply.
- Agree about public transparency. Regret not revealing personal interest as an investor, however small, in the Trackside project. However, there have also been prior votes on Trackside and included ones against it. It is up to each of us to determine if we feel conflicted. Did not feel conflicted in this case and context.
- Old East is willing to talk, similar to the University Avenue neighbors. There is a difference between being a property owner and talking about development downtown and talking about a specific property.
- It is not worth squabbling over such a small piece of downtown which will be allowing much greater development intensity. Believe the spirit was to respect the homes and transitions.
- Had no idea Meg and Eric were small investors. Issue came up through property owners concerned about being left out of a zoning. Okay reconsidering but should address the potential lack of zoning.
- Non-voting member so don't have to disclose ownership of a tiny piece of the Coop.
- More focused on DPAC not making a decision, but making a recommendation and forgot about the conflict of interest aspect of the committee. Apologize to the group and appreciate Old East concerns. Was involved to two of the motions. The process and information learned over the last two years have changed opinion on the building height and support greater density. Would like to withdraw the motions and be recused from the two votes.
- Don't have to solve every single issue. DPAC can make a full recommendation of the area. A January reconsideration will give everyone more time.

8. Adjournment

Meeting adjourned at 10:15 p.m.