



Meeting Minutes

City of Davis

Downtown Davis Plan Advisory Committee Meeting

Senior Center Activity Room, 646 A

Street Thursday, January 23, 2020

7:00 P.M.

Committee Members: Meg Arnold (Chair), Michelle Byars (Vice Chair), Josh Chapman, Judy Corbett, Mary DeWall, Chris Granger, Larry Guenther (alternate Cathy Forkas), Darren McCaffrey, John Meyer, Ted Parks, Eric Roe, Deema Tamimi

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

Not Present: Catherine Brinkley, Sinisa Novakovic, Randy Yackzan

City Staff: Ashley Feeney, Eric Lee, Julie Vyfhuis

Consultants: Dan Parolek, Tony Perez, Martin Galindez, Mitali Ganguly (Opticos Design)

1. Call to Order and Roll Call

Meeting was called to order at 7:03 p.m. Member attendance noted. Catherine Brinkley, Randy Yackzan, Sinisa Novakovic absent.

2. Approval of Agenda

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

3. Approval of Minutes

Correction: TMA – employees pay, employers do not contribute. Implementation (6c) – sustainability implementation plan, economic development plan that is an item in the implementation list. Motion to approve December 10, 2020 meeting minutes by Guenther. Seconded by Granger. Approved unanimously. Abstention from Parks.

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

Essex thanked everyone with their commitment and creativity and contributed to the vision for downtown and efforts to encourage. Looking forward to more public input etc. Planner Lee commended DPAC, noted positive public comments received along with all the public comments provided to DPAC, noted the next steps and looking forward to going to PC and CC.

5. Public Comments on Items Not on the Agenda

Public comments included:

- Alan Hirsch – Climate change and big shade trees is important; suspended pavement; recommend redo of central park plan.
- Greg McPherson, Board of Director on Tree Davis – Summarize 4 points from comment letter submitted. Plan omits trees and tree ordinance, which are relevant; Chapter 2 should include landmark tree list in existing conditions and should be baseline; Chapter 7 should include tree canopy as part of green infrastructure to retain stormwater; and Form Based Code should include goals for tree coverage in description of neighborhood types and provide adequate space for below and above ground.
- Kemble Pope – Appreciated Dan Carson’s comments at the last meeting; DPAC submitted financial disclosure forms; Suggest everyone takes a breath and recognize everyone has good intentions; Original request was made back in September for Trakside so that it have some zoning because of the litigation.
- Steve Greenfield – Cuningham Engineering. Speaking to housing legislation known as the housing crisis act signed by governor to promote housing; It prohibits downzoning and effectively limits changes that can be made to zoning for less intensive use, reduction in height, density, floor area, lot size, setback requirements; Urge consultants, staff to look at plan and make sure it does not violate state law.
- John Li – Health planner. Since in 1974 interested in universal health care, meeting in Berkley.

6. Review of Conflicts of Interest Guidance Policy

- a) Staff review of city attorney guidance related to conflicts of interest. Planner Lee talked about last meeting in December re: more of a matter of conscience in regards to making a fair decision, transparency, up to individual to make a decision objectively. Feeney recommended City attorney to answer specific questions.
- b) Public comments: none
- c) DPAC comments: none

7. Discussion of Transition Area Adjacent to Old East Davis Neighborhood – East Side of the Railroad Tracks between 3rd Street and 5th Street.

a) Staff introduction and initial comments included:

- Guenther recused himself. Planner Lee introduced the item and explained DPAC may want to consider separating the two issues – height of commercial properties and treatment of Trackage property zoning.
- Chair Arnold recused herself from this discussion and turned over meeting to Vice Chair Byars.
- Consultant Parolek made remarks that it was a pleasure working with DPAC who helped guide this project; excited to move this plan forward and that it will have a positive impact on Davis; implementation need to be worked out by city staff and committee; mentioned placemaking as economic development strategy instead of relying on big moves like convention center or arena. Downtown Plan contains over 120 actions, demonstration projects. Defining priority projects should be a focus. Would be willing to answer code questions code.
- Feeney said how important it was that Arnold and Guenther to hear what Dan had to say and brought them back in the room.
- Roe comments included concerns on how to incentivize downtown development for greater density, new buildings with more residential; too many restrictions show we don't want growth, change; like to see more people living downtown and getting out and taking advantage of what we have downtown; would like to see the commercial properties from Bernard Tires to Cable Carwash included in recommendation by DPAC. Roe volunteered to rescind his two motions made at the November meeting, and recused himself.

b) Public comments included:

- Rhonda Reed – Decision to include or not include other parcels was previously discussed. Part of a different process. Neighbors next to downtown want more density, but want it to transition. There are incentives for development. Thank you for reconsidering.
- Wesley Sage Walker – Parcels along tracks would keep the zoning, but this is great opportunity to update current zoning. It can respect neighbor concerns while not creating a lag until the general plan amendment, which will take time. Consider some other options.
- Alan Hirsh – Commented on university housing on Russell fields. More can be provided and would reduce miles traveled, put density close to downtown. Important to think long term.
- Mark Grote – Old East Neighborhood Association secretary. Ready to do their part to add housing to downtown. Supported lower building at Trackage. Parcels along tracks are very large. Buildings could be very large and dominate. Reasonable housing is what belongs there.
- Alan Miller – Welcome change, but wish to have a nice neighborhood. Not looking forward to losing the sightline from his home from Lincoln40, but the

developer worked with the neighborhood. This committee is fighting to get a compromise.

- Steve Greenfield – Trackside Center investor. Concerned about plan violating SB 330. Courtyard building form type would be huge underutilization for the neighborhood. It penalizes large parcels, limits heights, lot coverage. Not clear about corner parcel and alley. If we can't develop it's not feasible.

c) DPAC comments and discussion included:

- Concerns about rescinding the recommendations from November and bring motions up again to have a clean vote. Staff response that the recommendations still stands, but that DPAC can choose to reconsider any prior recommendations.
- Would like to open it up and reconsider.
- Question on how many voting members should there be and how it will work with absent, abstain, recuse etc. Staff clarification that there is no need to reopen the motion, it is purely legislation act, no legal obligations for anyone to recuse themselves, but they may choose to recuse, the vote remains a good vote unless the committee wants to reconsider. No special vote to reopen.
- Comment that Opticos clarified the transition areas.
- Comment to go back to the 3 stories because 4 stories would be looming. Properties are in a unique position between the alley and the railroad tracks, property line is questionable and how it would impact the neighborhood, accessory dwellings on zero property line, setbacks different on others, with unit over garage, etc. mixed use building with commercial in alleyway, functioning as road rather than alleyway.
- Remind people where we are and how we got there with the boundaries near the railroad tracks, DPAC considered whether to include Trackside site and properties near SPCA and decided on the current boundaries, these are transitional edge areas with height issues addressed in the form based code, decision was made on these neighborhood areas, now we are questioning them.
- 3rd street block should be considered.
- Comment that Eric Roe indicated his wish to rescind the vote and motion and remove that blemish.
- Comment from Opticos that the original proposal was actually 3.5 stories. Opticos discussed the form based code and provisions dealing with adjacency issues and requirements for articulation and other controls on massing than just the height issue. Other adjustments to the code can be made to address issues.
- Staff comment that DPAC can make a motion to revisit the recommendation from last meeting or make a new motion, but reminder that it is this Committee's role to make a high level decision and not get into the nitty gritty before the final adoption.

Motion by Meyer to rescind DPAC's previous recommendation. Second by Byars.

- Comment that would like to keep the motion previously voted on.

Motion by Meyer to reflect the zoning currently in the plan with the 3 story limitation and also to include Trackside in the zoning. Meyer withdraws motions.

Substitute motion by Tamimi that the zoning of the Trackside properties from 5th to 3rd Streets be treated in a consistent manner with adjacent properties. Second by DeWall. Friendly amendment by McCaffrey to allow 4 stories.

Substitute motion by Meyer to rescind previous vote made in November. Second by Byars with friendly amendment to add frontage requirements to all sides of building to address massing requirements.

Yes: Byars, Granger, Forkas, Meyer
No: Chapman, Corbett, DeWall, McCaffrey, Tamimi
Abstain: Parks

Motion fails 4 to 5 with 1 abstention. Previous recommendation stands and is not rescinded.

8. Discussion of Transition Area Adjacent to Old North Davis Neighborhood – South Side of 5th Street and the G Street Area North of 5th Street

- a) Staff introduced the item. Comments from J. Meyer, DPAC representative from Old North Davis, they comfortable with the church (DCC) proposal. They can provide affordable housing and housing for special groups, site is across the street from Newman Center not residences, they are comfortable with the framework and circumstances of the DCC. Additionally, request for Hibbert Block to have the same treatment; recognize that the edge areas need work but it will be addressed in due time; there should be sensitive treatment around about the edges and appropriate discussions on how to handle that at neighborhood meetings.
- b) Public comments included:
 - Chris Neufeld Erdman, Pastor of DCC - No intention to build but would like the possibility of being able to do that and would like it to move forward. Believe it is part of their mission to do something that would serve the community and this consideration would help with that.
 - Ronda Reed – Form based code allows you to build a bigger building without being massive and blocking, having forms for big buildings that don't look bit is important to retain the small town feel. Like the idea to have Old North meet with Opticos and discuss that.
- c) DPAC comments included:
 - Clarification about next steps and not happy with the assurance that if they don't like it now, it will get better.

Motion by Meyer that DPAC support the Davis Community Church initiative in their letter to allow more intensive development. Second by McCaffrey.

Yes: Arnold, Byars, Chapman, Corbett, DeWall, Granger, Guenther,
McCaffrey, Meyer, Parks, Tamimi
No: None
Abstain: Roe

Motion passes unanimously with 1 abstention.

Motion by Meyer that the Hibbert block, the 500 block of east G Street, be placed in a Designated Special Area similar to the area north of the Coop or as part of the same Designated Special Area. Second by DeWall.

Yes: Arnold, Byars, Chapman, Corbett, DeWall, Granger, Guenther,
McCaffrey, Meyer, Parks, Tamimi
No: None
Abstain: Roe

Motion passes unanimously with 1 abstention.

Motion by Meyer that as subsequent amendments to the plan are proposed that begin to address issues raised in the public comments and issues in the transition areas, there be engagement with the respective neighborhoods and any particular interests or businesses. Second by Arnold.

Yes: Arnold, Byars, Chapman, Corbett, DeWall, Granger, Guenther,
McCaffrey, Meyer, Parks, Tamimi
No: None
Abstain: Roe

Motion passes unanimously with 1 abstention.

9. Information Updates

- a) Staff update on information requested by DPAC and review of prior issues. DPAC question on how units are designated and whether microunits are addressed which would encourage more people downtown. Clarification by Opticos that parking requirements is usually the limiting factor and they support more units. Can look at administrative staff review for certain projects or smaller development type to encourage them.
- b) Public comments included:

- Greg Rowe - City needs to think clearly on imposing this requirement. Prospective developers need to be informed about the requirements so they can take it into account.
- Cathy Forkas – Supportive of the idea of smaller units. Small micro units would be a great mix to other sites and provide better affordability.
- Alan Miller - Transportation planner by profession. You can't make people take public transport. You need to build robust transportation systems if you want to solve transportation problems by requiring transportation measures. Need better transportation system than we have. Also, encourage micro units.

c) DPAC comments on unit size and density included:

- Can make more units with small size and get better density and more people downtown.
- Question whether HUB and HCD has minimal square foot for unit sizes.
- No downside as long as City doesn't charge permit fees by unit.
- The one-unit types the city has fee waiver program for are accessory units.

Motion by McCaffrey to eliminate the cap for a maximum number of units on the building types in order to encourage higher densities and more affordable units.

Second by Guenther.

Yes: Arnold, Byars, Chapman, Corbett, DeWall, Granger, Guenther,
McCaffrey, Meyer, Parks, Roe, Tamimi
No: None
Abstain: None

Motion passes unanimously.

Motion by Byars that the City use the removal from the plan of a maximum number of units as a way to incentivize affordable housing. Second by Granger.

Yes: Arnold, Byars, Chapman, Corbett, DeWall, Granger, Guenther,
McCaffrey, Meyer, Parks, Roe, Tamimi
No: None
Abstain: None

Motion passes unanimously.

DPAC comments on TMA and TDM requirements included:

- Concerns about greenhouse gas emissions. Need to promote active transportation.
- TMA and measures for transit issues are good but, would like to move it out of from the requirements and keep it more flexible.
- Still like TMA but not sure about other items.
- It is something for the Planning Commission to hash out.

- Need specificity, but if locked into the plan it is hard to change. The tree ordinance has not been updated in 10 years and has an issue with specificity. Make sure we have a separate document so that things get accomplished.
- Robust transportation systems are a way to solve some of our problems. Concerned plan does not go far enough. TMA is a good mitigation measure and eliminating it can be problematic

Motion by Arnold that DPAC recommends that transit and transportation, including the TMA concept, be thoroughly examined in subsequent steps of this process including as alternatives as part of the EIR. Second by Meyer. Friendly amendment by Byars to add active transportation. Friendly amendment by Larry to strongly encourage outreach when rewriting that part of the plan. Suggestion by Buzbee for recommendation that the measures do not impact small businesses.

Substitute motion by Arnold that the development of a robust transit and active transportation network be thoroughly examined in subsequent steps of this process, including as an alternative in the EIR. Second by Tamimi.

Yes: Arnold, Byars, Chapman, Corbett, DeWall, Granger, Guenther, McCaffrey, Meyer, Parks, Roe, Tamimi
No: None
Abstain: None

Motion passes unanimously.

Motion by Arnold to recognize the concerns of local businesses with respect to the potential costs of TMAs and recommend that the next steps of the process include robust discussion with the business community in the final design before incorporation of a TMA into the plan. Second by Corbett.

Yes: Arnold, Byars, Corbett, DeWall, Granger, Guenther, McCaffrey, Meyer, Parks, Roe, Tamimi
No: Chapman
Abstain: None

Motion passes 11 to 1.

DPAC comments on fees and impacts to businesses:

- Would like staff to address the all-around fee structures around development and local small businesses. Make it easier for someone to open and run a business and incentivize development. Consider fees for local and non-local residents.
- Staff response that it is part of the implementation plan and will look at it then.
- Find creative ways and help local small businesses to help assist them. Look towards infill fee structure.

- Chair asked about a motion for City to explore economic incentives to retain and support small businesses.
- Staff recommended not having a motion since it is already in the implementation plan.
- No motion.

10. Public Comment Letters Review and Discussion

- a) Staff provided brief overview of the public comments received on the Draft Downtown Plan and Draft Form Based Code. A few common themes and detailed issues included comments on parking, comments on neighborhoods and transitions, historic related comments, comments on implementation in regards to economic feasibility, sustainability, and implementation details. Chair Arnold suggested that DPAC not delve into the specific details on the letters but that the letters get looked at later in the process.
- b) Public comments. None.
- c) DPAC comments included:
 - Implementation plan needs dates and milestones and implementation methods based on recommendations in the letter received on climate change.
 - Lack of specificity in implementation plan. In the process going forward, what's going to make this plan work is specificity.
 - Comments from people throughout the process have influenced the draft plan and Committee. Would like staff to compile comments from the public from the process as a summation to help with context for the draft plan.
 - Staff response that the plan should reflect that public process and comments if the job is done correctly. Ideally the plan would include the comments to arrive to the recommendation. The memo from Chair and Vice Chair put together at the beginning of the draft review process is based on a summary of DPAC minutes.
 - Mayor Lee spoke that comments and DPAC recommendations are useful to council. Helps to know if DPAC changed their mind on issues and why. What was the result of all the comments. Of all the things DPAC read did it make them want to go back and change something. Ideally, would like to defer to the Committee's recommendations.
 - The plan is transitioning from the committee to the PC. Suggest that the committee should move to push through the first review of first draft and that appropriate outreach and consultation be done with neighborhoods and affected groups if changes are made.
 - Great discussion. Look forward to the PC tackling the plan with the understanding that there has been 2 years of discussions with split votes and unanimous votes. Even if DPAC wraps up the work tonight, DPAC's voices are not silenced. Can

still talk to the people who have made relationships with. The Committee does have the ability to still be part of the plan.

- Getting the committee to agree on something new to move forward would be impossible at this stage in the game.
- Can this group make this draft plan significantly better? Don't think the Committee can given the detail on the topics that would be needed to make the plan work.
- Question if there could be a 3-D table completed to look at to show potential development? Maybe if not now, then at PC level.
- Clarification on next steps.
 - Staff response that the Committee's charge is for a high level view of the plan. There won't be additions or changes to the plan when it goes to PC for a check-in and input. The staff report will have notes and comments on issues and analysis on public comments. For technical things like land use and items related to or affecting the CEQA analysis, there are likely to be recommendations, but the current version of the draft plan will be presented as is. A final draft version would be completed later and presented to Planning Commission and City Council.

11. Final Recommendation on the Draft Downtown Plan and Draft Form Based Code

- a) Staff is requesting a recommendation to the Planning Commission and City Council on the Draft Downtown Plan and Form Based Code.
- b) Public comments. None.
- c) DPAC discussion and comments.

Motion by Meyer to move the review of the first draft of the downtown plan and zoning code from DPAC to the Planning Commission for further consideration. Furthermore, that appropriate plan amendments be examined which consider the comments received to date and that those amendments be widely distributed to the community when available with the understanding that some might be available sooner rather than much later. Second by Guenther.

Yes: Arnold, Byars, Chapman, Corbett, DeWall, Granger, Guenther,
McCaffrey, Meyer, Parks, Roe, Tamimi

No: None

Abstain: None

Motion passes unanimously.

Final DPAC comments:

- Commended the Committee on their work.

- Dates for a gathering will be sent to the Committee.
- Chair Arnold thanked everyone. Appreciated their thoughtfulness and commitment to the plan and process. It has proved to be a valuable experience.

12. Other Committee or Staff Communications

None.

13. Adjournment

Meeting adjourned at 10:52 p.m.