



**Planning Commission Minutes
Community Chambers
Wednesday, March 27, 2013, 7:00 p.m.**

Commissioners Present: Mark Braly, Ananya Choudhuri, Cheryl Essex, George Hague, Marilee Hanson (Vice Chair), David Inns (Alternate)

Commissioners Absent: Herman Boschken, Rob Hofmann (Chair)

Staff Present: Community Development & Sustainability Director Ken Hiatt; Community Development Administrator Katherine Hess; Principal Planner Bob Wolcott; Planner Cathy Camacho

1. Call to Order

Vice Chair M. Hanson called the meeting to order at 7:02 p.m.

2. Approval of Agenda

A. Chadhuri moved, seconded by M. Braly, to approve the agenda. Motion passed by the following vote:

AYES: Braly, Choudhuri, Essex, Hague, Hanson, Inns

NOES: None

ABSENT: Boschken, Hofmann

3. Staff and Commissioner Comments

M. Braly: Progress report on goals/ policies, guidelines in city plan.

B. Wolcott: Distributed working draft of identifying high priority items on commission work plans. Reached 50% of effort, leading up to policy document. On hold until commission has interest in pursuing as priority. Possible Joint meeting with Council April 30, 2013.

4. Public Communications

None

5. Consent Items

A. Minutes of December 19, 2012

B. Minutes of January 9, 2013

A. Chadhuri: On December 19, 2012 minutes; page 3, EPA should be APA award, Also, request inclusion of comments on affordable housing.

A. Chadhuri moved, seconded by M. Braly, to approve minutes of December 19, 2012, as amended. Motion passed by the following vote:

AYES: Braly, Choudhuri, Essex, Hague, Hanson, Inns

NOES: None

ABSENT: Boschken, Hofmann

C. Essex moved, seconded by G. Hague, to approve the minutes of January 9, 2013. Motion passed by the following vote:

AYES: Braly, Choudhuri, Essex, Hague, Hanson, Inns

NOES: None

ABSENT: Boschken, Hofmann

6. Public Hearings

A. Planning Application #13-19: 501 Seventh Street Second Dwelling Unit and Waiver of Covered Parking – Conditional Use Permit #4-14, Design Review #5-13

Planner Cathy Camacho: Proposed conversion of existing 330 sq. ft. detached single-car garage to a second dwelling unit and 75 sq. ft. storage area to provide living quarters consisting of a studio with living/sleep area, bathroom, kitchen sink and counter top. Request includes a reduced rear yard setback for accessory structures from 10-ft. to 5-ft, which would be permitted with approval of a CUP. The project would provide the required number of on-site parking spaces in the existing driveway; however, the covered space within the garage would be eliminated.

Vice Chair M. Hanson opened the public hearing.

Public comments:

Charles Post, applicant: A small correction, elderly aunt will be living in unit, not elderly parent.

Steve Tracy, D Street resident: Applicant did come to meeting last Thursday, technically across street from OND boundary; previously on record supporting reduction in setbacks in core area; support project, like style of housing.

Patty S.: Concerned about height of project and parking; want to make sure project does not become 2-story.

Ricardo Manzuel, Manzuel Design and Plan, employed by applicant: Envelope of building, height, width, will remain the same; concerns from neighbors maintaining privacy received and addressed.

Vice Chair M. Hanson closed the public hearing.

M. Braly moved, seconded by A. Chadhuri to approve project as follows:

1. Determine that the proposed project is exempt from environmental review pursuant to CEQA Guidelines Section 15303(a), New Construction or Conversion of Small structures, as a second dwelling unit in a residential zone as a second dwelling unit in a residential zone; and
2. Approve PA #13-19, Conditional Use Permit #4-14, Design Review #5-13 for conversion of an existing detached garage to a guest house at reduced side and rear yard setbacks and waiver of the covered parking requirement at 501 Seventh Street, based on the findings and subject to the conditions.

Motion passed by the following vote:

AYES: Braly, Choudhuri, Essex, Hague, Hanson, Inns

NOES: None
ABSENT: Boschken, Hofmann

B. Draft Environmental Impact Report – The Cannery

Community Development & Sustainability Director Ken Hiatt: Hear comments from public and Planning Commission on Draft EIR. Application submitted by owners for mixed use of residential and commercial. Last project update was October 2012 with brief presentation before Commission. Purpose of hearing to focus on draft EIR; Planning Commission will have opportunity in May-June to discuss merits of project and final EIR. City has 45-day public comment period, closes April 12; welcome comments orally or in writing. Solicited feedback from NRC, will also attend OSHC regarding biological and agricultural components of project.

Ben Richie, De Novo Planning Group, EIR consultant: Served as project manager from start up to this point; requesting comments regarding analysis within the EIR, responses to comments will be included in the final EIR. CEQA overview, environmental review process, topics addressed in Draft EIR; 4 significant and unavoidable impacts: Air quality, noise, public services and traffic. Next steps: Final EIR, Mitigation Monitoring Program and Findings of Fact/Statement of Overriding Considerations submittal to Planning Commission and County Council.

Commissioner comments included:

- M. Braly: Why is air quality and GHG separate in document?
- B. Richie: SB 97 changed CEQA guidelines to have separate topic GHG. Common practice in industry to have separate chapters.
- C. Essex: How does project work through city and commission review?
- K. Hiatt: Receive application, staff reviews for completion and provides responses to applicant to address before final process; working on refinements to project, application submittal materials to reflect all changes. Engage with commission NRC, OSHC and SC; commission feedback may form project that is then presented to Planning Commission and City Council. Concurrently reviewing draft EIR. In April-May, will complete majority of commission meeting, get feedback, and return to PC with final analysis. Other documents and analysis include fiscal impact analysis. Work with sustainability and environmental community, potentially holding workshop that addresses energy and conservation features of project; hope to complete analysis along with final EIR. PC actions will be recommendations to CC. Lastly, working on Development Agreement, standard with projects of this size; outline specific measure and features city would like to see incorporated as well as certainties that developer would like to have.
- A. Chadhoury: Describe project objectives and what alternatives mean.
- Katherine Hess: Objectives identified in EIR, used to determine whether application should be approved at end of day, be modified, or whether alternative to project should be considered. Chapter 5 alternatives to project, identifies series of other items that could reach same objectives. Includes no project alternative, off site development of other sites, different configurations of current site.
- K. Hiatt: Alternatives have not been analyzed at equal weight. Document does not provide sufficient grounds to approve other site projects to meet project objectives.

Vice Chair M. Hanson opened the public hearing. A reminder that the public comment period is open to April 12, 2013.

Public comment:

Sue Greenwald: Was issue of using intermediate aquifer or alternative irrigation system addressed?

Ben Richie: Analysis in draft EIR assumes worst case scenario that all water will be provided by city.

Susan Greenwald: Need to address climate action plan suggestions including using irrigation wells. Existing subdivision can't build own wells.

Rob Davis: Negative impact of GHG emissions; Not possible to bring down except through alternative vehicle use. Project has only one grade separated crossing. Location not great, no specifics on lighting improvements. Will require people to use 8th St tunnel, worst crossing in bicycle network. BAC has identified as priority project to improve tunnel. Request guarantee from developers to make tunnel safer. Project talks about improvements to J Street entrance, must address safety for children crossing. Need second grade separated crossing. One to west already designated in project and one somewhere to east.

Steve Tracy, Davis Bicycles!: Bike counts in transportation part of DEIR flawed; taken in February when not raining; prefer May on warm day and average the two numbers. Much of project will be funneled on busy intersection on J Street and Covell. Have accident count on J Street, 35 accidents between 8th & Covell on J Street. Not the safest place to walk or bike. 15 accidents involved bikes, 9 were either Drexel or Covell and J. Accidents occurred around 8 in the morning. Should have grade separated crossing near SE corner of project, south side of Covell to allow bikes to get to L St, shopping and bike loop to schools. Should only be approved if firm commitments that grade separated crossings are part of project.

Mont Hubbard, Davis Bicycles! Board: Vote at Board meeting, support project only if you have 2 grade separated crossings; only meet GHG reduction standards if increase non motorized transportation. Safety. Project faces SE. All traffic has to come out SE. If not grade separated crossing, safety implications will reduce number of bicyclists.

Michael Morriss: North Davis resident. Emergency vehicle access off F St near RR would necessitate a lot of noise from trains blowing horns 5-6 times over 24 hour period. Good idea to try and move emergency vehicle access away so that horns would not have to blow.

Gerry Adler: Submitted written comment in response to Notice of Preparation. Project as proposed would change 50 years of land use planning in city. In prior iteration of Cannery project, included study paid by city which looked at potential of business park use on property. Study concluded that current zoning would not be suitable for business park development, but that normal business park designation zoning in city would fully support business park development. As business park development eaten up on 2nd street, not time to give away this land to long term commitment for residential housing. Request

that PC assume that EIR should be sublematic to justify. If not able, should consider existing uses, zoning, GP designations before start to consider details of project.

Lydia Della-Schlosser: 35 year resident; worked on Covell Village project in past. Prior to election, required to work with Con Agra owner who were planning on developing site with less housing. Continued to work with Lewis, including cost sharing. Met with Con Agra to work on new agreement. Con Agra felt they provided effective connectivity and were able to stand on their own as new neighborhood. Covell still wanted to do joint plan. Recently contacted by PG&E, required to replace pipeline on property. Does proposal improve area outside cannery? Allow all neighborhoods to benefit from amenities? Address future capacity?

Bill Streng: adjacent property owner. EIR says Cannery property and Covell regarding traffic and drainage impacts should be considered as one. In planning Covell Village, spent 3 years talking to seniors and experts. Asked what it will take to get you to move while you are still healthy. Answer was to have most amenities, less maintenance, universal design. Want 1-story houses detached. Cannery project doesn't fulfill need. Senior population of Davis increasing every day; tremendous need.

Barbara Forbes, resident on Farro and F Street. Emergency vehicle access noise and safety levels. Concerned with sound level of passing trains. In order to build 20 ft. bridge over ravine, will have to remove trees that buffer some noise currently. EIR should address other alternatives other than at grade crossings. Developers will put fence along F St for considerable distance. EIR needs to be revised and other options considered.

Lynne Rooper, Architect: 3 houses away from proposed emergency vehicle access point. Hard to imagine no other design solutions to deal with emergency vehicles. Already have access at F and Covell. Farro bike path leading to H St Tunnel. Safety issue and trains blowing horns. EIR mentions modern construction will reduce levels inside existing residences. What is definition of modern? Recent construction?

Gene Wilson, Natural Resources Commission: NRC has same view as bicycle advocates. Project should not go ahead unless there is improved bicycle connectivity. No multi-modal traffic impact analysis. Homes should include solar; water usage inside homes should be minimized; use of grey water systems. Fireplaces should be natural gas burning. Farm acre should have farm direct sales. Waste stream designed with organic refuse rather than trash.

Vice Chair M. Hanson closed the public hearing.

M. Braly: Mitigation measure not found in EIR in GHG emissions and air quality is net zero energy for project. Demonstrated in Davis in West Village and at Parkview Terrace project 4th & D. Will not vote to approve EIR without net zero energy as mitigation measure.

G. Hague: Concern about access of emergency vehicle to rear of project. Find hard to agree with statement in EIR that no alternative to grade crossing. Other impact of

comments was with respect to pedestrian and bicycle safety at F & Covell and J & Covell.

A. Choudhuri: Big grade difference on site. How will this be addressed? Bring up or down? What are you doing with fill?

Ben Richie: The air quality analysis did include truck count on fill. Variable account for in model.

A. Choudhuri: Light and glare. What about light from passing trains at night? Should include description of train traffic impacts at night. Pg. 3.22.13, second to last paragraph, take away 1st sentence. Air quality. 3.3.2. Not sure how street trees, zero setbacks, street widening applies to use of alternative modes of transportation. How would street trees and lighting help reduce vehicle trips? EVA crossing. Depends on whether you can work with RR. If not allowed, what is alternative? Where is this mentioned or addressed in EIR?

Ben Richie: If directed to analyze additional emergency access in EIR, happy to undertake.

A. Choudhuri: hydrology. If project does not get provision from FEMA, how many units will not be developed in area?

B. Richie: Small amount, possibly 15; not large percentage of unit count. Also options for development within 100-year flood plain that require different conditions.

A. Choudhuri: Land use impact. 3.10-1. No impact. No community there. Mitigation measure 3.11.1 noise; way site plans are laid out, will not do much in terms of noise. Explain why use 2.71 people per dwelling unit. Should use Davis standard.

B. Richie: From PW staff for planning for future infrastructure needs and demand. Current number being used by city for calculating going forward.

C. Essex: Need analysis of neighborhood bike pedestrian issues. Any improvement on Covell along overcrossing? Potential bike path extension up north. Better analysis of where people want to travel. Help with GHG reduction issues. Hydrology. Shows flood zone A. 100-year flood plain partially into site. 3.9-4 FEMA. 3-9.6 drainage improvements. Basin in area; if already in zoning flood plain, adding basin below flood elevation does provide flood protection. Relationship to finished floor evaluations of homes, RR, way drainage works. Substantial slope between north and south side of site.

A. Choudhuri: Mitigation monitoring report. Add in who will implement and when. Clear as to what will go to PW and what to planning.

M. Hanson: 2005 water well. Is project going to use well or wells as sole source of water?

B. Richie: Well has been deeded to city to become part of city water supply. Cannery will be provided water by city water supply.

M. Hanson: Using grey water for landscaping?

B. Richie: Not assuming grey water will take place. Applicant desires to pursue in future. In EIR, dealt with things that are proposed and certain.

M. Hanson: Need to have economic analysis on impacts if subdivision opts out of water supply project. Will pay less of funding project on new subdivision. Want analysis, given new rate structure, what will be impact on remaining residents if proceed with grey water.

7. Staff and Commissioner Comments (continued as needed)

None.

8. Informational Items

Schedule of Upcoming Meeting Dates

A.Chadhouri: Transportation Element on May 8. When do we need PC comments?

B.Wolcott: Do not have at this time but will forward that information to members.

9. Adjournment. The meeting was adjourned at 9:16 p.m.