



**City of Davis**  
**Planning Commission Minutes**  
**Community Chambers, 23 Russell Boulevard, Davis, CA 95616**  
**Wednesday, December 16, 2015**  
**7:00 P.M.**

Commission Members: Herman Boschken, Cheryl Essex (arrived 7:19 p.m.), Marilee Hanson (Vice Chair), Rob Hofmann (Chair), Cristina Ramirez, Stephen Streeter, Marq Truscott (Alternate)

Absent: George Hague

Staff: Principal Planner Bob Wolcott; Planner Cathy Camacho; Planner Tom Callinan; Community Development Administrator Katherine Hess; Assistant City Manager Mike Webb

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**1. Call to Order**

Meeting was called to order at 7:00 p.m.

**2. Approval of Agenda**

S. Streeter moved, seconded by M. Truscott, to approve the agenda.

Motion passed by the following vote:

AYES: Boschken, Hanson, Hofmann, Ramirez, Streeter, Truscott

NOES: None

ABSENT: Essex, Hague

**3. Brief Announcements from Staff, Commissioners, and Liaisons**

Principal Planner Bob Wolcott: Introduce City Attorney Harriet Steiner and Assistant City Manager Mike Webb, present for public hearing item. Commissioner Truscott's last meeting will be January 6, 2016.

**4. Public Comment**

None

**5. Regular Items**

**A. Public Hearing: Proposed Ordinance Amending Chapter 40 of the Municipal Code to Prohibit Cannabis Dispensaries, Cannabis Manufacturers, Cultivation, and Delivery of Cannabis in Davis.**

Assistant City Manager Mike Webb: Provide background information. Davis Municipal Code currently prohibits marijuana dispensaries, but does not address marijuana cultivation, transportation, or distribution. The Medical Marijuana Regulation and Safety Act requires cities to adopt a prohibition or local regulatory standards at least as stringent as the state's default regulations by March 1, 2016; otherwise will default to state law, allowing cultivation and distribution subject to certain regulatory standards. Three month

provision for cities to regulate was not immediately apparent in initial discussions of laws. Public dialogue around issue has not taken place because of time sensitivity.

City Attorney Harriet Steiner: Authority under case law currently allows City to ban all cultivation, or may ban specific types of cultivation and delivery systems. Staff placed most stringent recommendation forward, recommend zoning ordinance amendment. May modify recommendations to the Council; some Cities adopting regulations with sunset, to modify regulations after deadline. Recommend set restrictions for the interim, and return later for larger discussion.

C. Essex arrived 7:19 p.m.

Chair Hofmann opened the public hearing:

- Eric Goods: UC Science candidate. U.S. Army Veteran, served overseas. Post-traumatic stress disorder has been alleviated by medical use of cannabis. Benefits and uses are recognized statewide, and in science community. Recommend that City Council create Cannabis Policy Task Force. City concern with cannabis odor as a nuisance rather than beneficial uses.
- Alan Pryor: Relative uses cannabis product for pain relief and seizure prevention. Legal medical product. Concern with restriction of delivery to individuals with correct documentation.
- Michel Pena: Have seen friends struggle with mobility and poverty to obtain product for medicinal uses. Oppose restrictions.
- Joe Wisgirda, Green Heart Club Davis: Industry evolving. Delivery service businesses exist in Davis, may not be eligible to continue with new statutes. Effectively provide medicine for patients. Open to working with City to have discussion and draft regulations. Source of information. Main storage facilities outside of county. Most to be grandfathered in. Cannot both grow and have dispensary. Stringent requirements for quality testing. Distributors act as middle agent.
- Hannah Giel, U.S. Veteran: Personal testimony to benefit of medical marijuana. Surprised at time sensitivity and lack of information circulated.
- Katie: Surprised at timeliness of process. Bill was signed months ago. Issue impacts many Davis residents. Oppose all-out ban, support community access to medicine. Support formation of a community Task Force. Address concerns and come to a compromise.
- Katherine Gilbert: Marijuana crime rates drop in locations where medical marijuana is legal.
- Kabir Kapoor, UC Davis Alumni: Bill was passed months ago, stated March deadline then, uncertain why item didn't come to the commission sooner.
- Loren Silverstein, Attorney: Have worked in multiple states on marijuana issues, offer as source of information. Urge commission to thoroughly review factual evidence, not conjecture. Be sensitive to needs of community, move with State.
- Alan Hirsch: Benefits of cannabis to community. Drinking problem in community. Urge City to find middle ground.
- Rodney Robinson: Marijuana restrictions unjust. Request change of language, rather than prohibition. Should allow dispensaries, cultivation, and delivery.

Chair Hofmann closed the public hearing.

H. Steiner: City may adopt simplistic rules that mirror zoning provisions in statute. Without banning altogether, can exempt personal cultivation and limit or ban commercial use for initial period. Would be sufficient to maintain ability to regulate.

Commissioner comments:

- H. Boschken: Concerns uncertain, revenue and medicinal benefits versus crime issue. Agree to adopt state provision. Stress importance on need for community discussion on this issue, include University.
- C. Essex: Critical for community task force to look at issue long-term. Oppose delivery regulations as part of zoning.
- M. Hanson: Recommend Council proceed carefully and cautiously. Should have more community deliberation and input. Unnecessary to push ban only to meet a deadline. Distinction between commercial cultivation and personal cultivation. Possibility to allow personal cultivation with restrictions: number of plants cultivated in relation to square footage, limiting cultivation to back and side yards, neighboring property setbacks, rules for outdoor versus indoor cultivation, etc.
- R. Hofmann: Comprehensive regulations set by state. City may put effective parameters similar to state, and may restrict more later in the future.
- S. Streeter: Medical uses should not be prohibited. Support task force to engage community on issue.
- M. Truscott: Uncomfortable making stringent decision on matter with time urgency presented. Strongly agree additional dialogue to be had.

C. Essex moved, seconded by H. Boschken, to recommend the City Council not adopt full ban, and instead move forward the following recommendations:

1. Pursue community dialogue, whether in form of task force or open community discussions;
2. Adopt interim ordinance with 18-month sunset;
3. Consider retaining current dispensary ban;
4. Delivery not included in zoning ordinance, or at all if not compelled by state; and
5. Consider distinctions between commercial cultivation and personal cultivation restrictions. Adopt separate regulations for personal cultivation. Consider: outdoor versus indoor cultivation, number of plants in relation to square footage, limiting grow locations to back and side yards, proximity to neighbors, etc.

R. Hofmann: City should pursue community dialogue immediately.

Motion passed by the following vote:

AYES: Boschken, Essex, Hanson, Hofmann, Ramirez, Streeter, Truscott

NOES: None

ABSENT: Hague

Meeting recessed at 8:37 p.m. and reconvened at 8:46 p.m.

**B. Continued Public Hearing (11/18/15): Gracepoint Davis Church - Multipurpose Space / 607 Pena Drive, Suites 200 & 400.** Planning Application #15-61, Conditional Use Permit #6-15

Planner Tom Callinan: Summarized project. Proposed Conditional Use Permit (CUP) for Gracepoint Davis Church (GDC) to create a multipurpose space for church group activities to include 4,574 sq. ft. of open multipurpose space, a storage room, and an existing bathroom. Offices are a permitted use in the Light Industrial/Business Park subarea of PD 4-88 whereas the proposed multipurpose room use requires a CUP in this zone. Currently uses Suite 200, would expand into Suite 400. 2 occupancy limits, daytime and evening. Occupancy limit proposed during special events / performances.

Chair Hofmann opened the public hearing:

- Tom, Davis Musical Theater (DMT): DMT Supports project, so long as conditions are met.
- Wayne Kim, Applicant: Church has 89 resident members and outreach to UC Davis student population. Previously have rented DMT for services and events, need for additional space. Multipurpose space to be used for basketball, group activities, storage, etc. Kitchen and stove use for occasional cooking, typically receive catering for larger services.
- Kevin Han, GDC member: Thank staff. Process has helped group to maintain positive relationship with neighboring business.

Chair Hofmann closed the public hearing.

S. Streeter: Support reciprocal parking conditions between DMT and GDC. Conditions for dress rehearsal performances.

T. Callinan: Clarify Condition #7 addresses noise generation during DMT performances.

S. Streeter moved, seconded by M. Truscott, that the Planning Commission take the following action:

1. Determine that the project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301(a) (Existing Facilities) as leasing and minor alteration of existing structures including interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances; and
2. Approve Planning Application #15-61, Conditional Use Permit #6-15 to permit the quasi-public use of approximately 11,500 sq. ft. (including existing 6,856 sq. ft. and proposed 4,574 sq. ft.) for a church group organization at 607 Pena Drive, Suite 200 and 400, based on the findings and subject to the conditions.

Motion passed by the following vote:

AYES: Boschken, Essex, Hanson, Hofmann, Ramirez, Streeter, Truscott

NOES: None

ABSENT: Hague

Meeting recessed at 9:02 p.m. and reconvened at 9:08 p.m.

C. **Business Item: Nishi Gateway Workshop.** Planning Application #14-57: General Plan Amendment #08-14, Rezoning/PPD #06-14, Annexation #2-14.

Community Development Administrator Katherine Hess: Provide project overview. Workshop is intended to introduce the project and applications. The public hearing on the Environmental Impact Report and project applications will be held on January 6, 2016. Project requires a General Amendment and Rezoning/Rezoning. Proposed re-designation from Agriculture to Urban land use requires voter approval under Measure J/R. City received grant funding to review environmentally sustainable amenities for site plan. Revised site plan altered roadway and parking structure for site.

Erik de Kok, Ascent Environmental: Overview of Environmental Impact Report Sustainability Implementation Plan. Sustainability Framework for project broken up into multiple stages, goals include transportation, water, energy, open space and parks.

Chris Mundhenk, Ascent Environmental: Overview of Final EIR. Identified key impacts and proposed mitigations; greenhouse gas emissions, transportation, air quality, farmland loss, emergency vehicle access and evacuation, noise impacts. Final EIR includes formal responses to comments made on Draft EIR. Changes made do not alter conclusions.

Tim Ruff, Applicant: Overview of project amenities and features. University actively involved in process, plan to work with campus for future improvements. Approval of UC Davis Long Range Development Plan proposal includes access to campus from Nishi project. Economic opportunity, creation of vibrant “downtown” in district, close to Fine Arts amenities on campus. Adjacent to downtown Davis core area. Balance between use of open space and generate sustainable energy, committed to Sustainability Plan. Creation of order, safety for bike-peds and vehicles. Provided overview of Development Agreement commitments and Measure J requirements.

Public Comments:

- Alan Hirsch: A lot of community discussion around project. Support project. Changes and more work to be done. Financial projections based on current salaries, certain projections too low. Many moving parts. Urge commission to thoroughly review and scrutinize project.
- John Johnston: Natural Resources Commissioner, speaking on personal behalf. Statute to reach 80% emissions goal by 2050. NRC made suggestions to mitigate impacts more aggressively than those identified in EIR. How will City support growth while continuing to move toward 0% emissions goal?
- Mario: Support project. City needs to work on intelligent ways to grow, infill importance. Revenue generation.
- Alan Miller: Support Council decision to enforce final decision and action of UC Regents for connection to campus. Support proposed bike path undercrossing. Support retained Oak trees. Support movement of surface parking lot. Skeptical of new idea – building structures in core areas, and not provide parking. Project has potential

- to actually promote use of alternative transportation methods, good accessibility and proximity to core areas and campus. Not support Vanguard comments made regarding City not addressing housing needs. Support small-scale buildings. Makes sense for community.
- Alan Pryor: Support project conceptually, but sustainability issues need to be addressed. Connectivity, Bicycle Transportation & Street Safety Commission weighed in with extensive comments, urge commission to consider. Opportunity to excel as net zero energy project.
  - Mike Mitchell: Bicycle Transportation & Street Safety Commissioner, representing self. Support project, but stress connectivity issues. Needs to do more than tie in to current bike paths, needs to be able to support increased bicycle-pedestrian traffic. Have yet to see good solution for intersection at current Richards/Olive underpass.
  - Rodney Robinson: Underutilized farm land, owners wished to keep as such. Agricultural University. 0% GHG Emissions projected out too far. Should generate energy locally. Railroad, transportation issues, essential to address before vote. Too many hotel proposals. Support softer architecture.
  - Peter, Aggie Village resident: Davis residents critical of proposed projects and annexations. Hard to believe residents would approve a project on prospective undercrossing, prior to University Regents approval.
  - Eileen Samitz: Not support project. Housing Element Steering Committee did not present final recommendations for housing developments. Cramming housing amongst commercial on 47 acres. Unnecessary to have multiple hotels in general vicinity. Not good use of funding. UC Davis transportation issues crucial to address. Affects City negatively financially. Infrastructure costs would spike housing costs, not feasible for student housing. UC Davis still has not addressed their promise to City to build on-campus housing for their students, yet will be adding 12,000 new students. Dr. Cahill not supportive of project location for housing, poor air quality. Crude oil issue presents danger to housing development next to rail line.
  - Spencer: Parcel is not prime farmland as mentioned, area is essentially empty space. Biophilic cities untested. Gentrification issue. City should wait.
  - Ashley, UC Davis student: Housing is a real issue in Davis. Support project. Nishi to hopefully provide housing for students.
  - Chris Granger, Cool Davis: Paris Climate Talks. Many community and university members in attendance. Up to community to implement. GHG Emissions issues identified in EIR. CoolDavis uses GHG emission calculator for households. Requires individuals to look at lives, how living, and what items are used and how they are used. Factors in income, size of property, etc. Challenge how fast City can meet goals for 0% GHG Emissions, urge commission to pursue challenge to highest level as possible.
  - Nancy Price: Thank applicant. Community group met early stages in project to address issues. Look at project potential to be the most sustainable it could be. Much more that can be done, opportunity to make Davis a regional model and part of global community. University is still in making decisions on their side of project. Urge commission to pursue strict goals.

M. Hanson: Uncertain about sudden increase in hotel proposals. Air Quality management expert spoke in October, strongly urged not to propose housing.

K. Hess: City has active applications for extended stay hotel in South Davis, and hotels proposed for Conference Center, Mace, and Nishi. City has contracted with hospitality consulting firm, to assess market.

C. Mundhenk: Vegetative barrier canopy is proposed as a mitigation measure to eliminate air particulate issues.

Chair Hofmann: Continue item to formal public hearing on January 6, 2016.

**6. Commission and Staff Communications**

**A. Upcoming Meeting Dates**

Principal Planner Bob Wolcott: The next Planning Commission meeting is scheduled to be held on Wednesday, January 6, 2016. The following Planning Commission meeting of January 13 will be cancelled.

**7. Adjournment.**

Meeting adjourned at 10:37 p.m.