



City of Davis
Planning Commission Meeting Minutes
Community Chambers, 23 Russell Boulevard, Davis, CA 95616
Wednesday, March 8, 2017
7:00 P.M.

Commission Members: Herman Boschken, Cheryl Essex, Rob Hofmann (arrived 8:09 p.m.), Darryl Rutherford, Stephen Streeter, Stephen Mikesell

Absent: Marilee Hanson

Staff: Assistant Community Development/Sustainability Director Ash Feeney; Community Development Administrator Katherine Hess; Planner Ike Njoku

1. Call to Order

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

2. Approval of Agenda

S. Mikesell moved, seconded by C. Essex, to approve the agenda.

Motion passed by the following vote:

AYES: Boschken, Essex, Mikesell, Rutherford, Streeter

NOES: None

ABSENT: Hanson, Hofmann

3. Brief Announcements from Staff, Commissioners, and Liaisons

Assistant Director Community Development/Sustainability Ash Feeney: City staff has met with Sacramento Area Council of Governments (SACOG) staff to further discuss Regional Housing Needs Allocation (RHNA).

4. Public Comment

None.

5. Consent Calendar

A. Status Update on Pizza 101 Restaurant / 236 B Street.

By consensus, received as informational.

6. Regular Items

A. Public Hearing: Embassy Suites Hotel / 1111 Richards Boulevard; Planning Application #17-01, Conditional Use Permit #1-17, Design Review #01-17.

Community Development Administrator Katherine Hess: Provide project overview. Revised proposal to construct a five-story, 132-room hotel facility. The original project was approved by the City Council in 2015. Previously approved entitlements included Gateway/Olive Drive Specific Plan Amendment, Conditional Use Permit, and Design Review approval. Previously approved conference facility has been replaced with a

proposed 3,150 sq. ft. meeting room, building height reduced from 6 stories to 5 stories, and surface parking proposed instead of structured. Require a revised Conditional Use Permit and Design Review approval for building height, floor area ratio, and number of rooms. Previous mitigation measures continue to apply, with lesser or equivalent impacts. Conditions of approval adjusted, includes sustainability features per new standards. Two letters received on amended project.

Tom Bergerson, Architects Orange: Similar configuration, meeting space reduction from 8000 sq. ft. to approx. 4400 sq. ft. All surface parking, solar voltaic field on carports, will generate same amount as original proposed project. Use of same building materials. Working with staff on art for panels, and any other art to incorporate. Major difference is 35% reduction in project size. Traffic analysis, reduced traffic. Engineering team to work out the details in traffic circulation and potential to relocate bus stop to be discussed with City staff during permitting phase following approval.

Acting Chair Boschken opened the public hearing.

Connor Gorman: Recommend use hotels as transitional housing when/if market demand is not enough for all hotels to reach max capacity. Applicant should be required to make commitments to community, provide funding for a community center.

Roxanne: Traffic intersection is dangerous for bicyclists during rush hour. Would like to see Davis take more progressive, environmentalist approach.

Acting Chair Boschken closed the public hearing.

Tim Taylor, Applicant Counsel: Letters were received last minute intentionally to encourage commission and staff to delay. Project is approved. Design review stage, project has been downsized. Urban decay can be claimed by anyone, economic argument under CEQA. Economic impacts physical abandonment which can be classified as an environmental impact. No substantial evidence to such claims. Time to raise such issues raised in letters was when Mitigated Neg Dec was discussed. Issues were raised, went to litigation, project has been reduced. Still issues.

Michael Olivas, Project Manager: Viewed letters late afternoon before meeting. May be premature to commit to transit stop relocation at this time. Need to wait until further in process for Richards Blvd corridor improvements. Applicant has purchased parcels along Olive Drive. Third Space was been asked to relocate to provided site until further notice. Plan to return down the road to provide conference facility. Litigation settlement required certain aspects to traffic flow. Premature to reconfigure at this time. Postponing plans for U Turn until a later date.

H. Boschken: U Turn configuration described. Why entrance on Olive Drive if intersection already turns onto Olive Drive where all parcels are now owned by the applicant?

C. Essex: Relocation if widening area to allow U-Turn, not a good location for bus stop. Should allow buses to stop outside turn radius.

S. Mikesell: First time hearing urban decay argument, generally see in large-scale retail developments, not in hotel uses.

S. Streeter: Presidio letter. Late in the game to scrutinize features in project already approved.

D. Rutherford: Would be nice to see hotelier offering transitional housing option. Last minute letters sent in order to delay project. City review points that have been brought up.

C. Essex moved, seconded by S. Streeter, to take the following actions:

1. Approve Conditional Use Permit application #01-17; and
2. Approve the Design Review application #01-17 for the project's site plan and architecture, based on the findings and subject to the conditions, as amended:
 - a. Add condition: As part of the Richards Blvd improvements, relocate bus stop and install bus shelter.
 - b. Add condition: Maintain clear vision triangle at Olive Drive cul-de-sac, retain visibility of plants.

Motion passed by the following vote:

AYES: Boschken, Essex, Mikesell, Rutherford, Streeter

NOES: None

ABSENT: Hanson, Hofmann

R. Hofmann arrived at 8:09 p.m.

Meeting recessed at 8:09 p.m. and reconvened at 8:19 p.m.

B. Public Hearing: D Street Gardens / 426 East 8th Street and 717 D Street; Planning Application #15-51; Rezoning and Preliminary Planned Development (P-D) #9-15, Affordable Housing Plan #3-15, Final Planned Development #10-15, Merger and Tentative Map #3-15, Demolition #6-15, Mitigated Negative Declaration #5-15 and Design Review #31-15.

Planner Ike Njoku: Provide project overview; entitlement applications for rezone and redevelopment of two properties. Proposal includes merging and re-subdividing the two existing lots into nine smaller lots. One lot will retain the existing two-story apartment building, parking lot, and open space areas. The existing single-family home and secondary dwelling unit at 717 D Street will be demolished to make room for eight lots, to be developed by constructing two townhome buildings each with four attached single-family units. Common areas include shared driveway, parking, private usable open spaces, and common open space. A fence will demarcate both projects. Final Planned Development establishes the final zoning standards for each lot. Planned Development rezone to have the residential garden apartment zoning base with deviations from the standards in the areas of open space, yard setbacks, lot coverage and lot width.

Acting Chair Boschken opened the public hearing

- Karen: Appreciate applicant's willingness to adjust project in response to discussion with neighbors. Request condition to prohibit trash bins to be left in front area on home, particularly facing out to D Street.
- Roxanne Sural: Protect Valley Oak, designated Landmark Tree. Mindful of target market for proposed homes.

Acting Chair Boschken closed public hearing.

I. Njoku: One of the eight units in the apartment building will be converted to a very low income affordable housing unit via deed restriction. Deed restrictions and details to be determined by the City. Will require affordable unit, regardless of renovation or change in ownership.

A. Feeney: Affordable unit would be required to undergo renovation to meet affordable housing standards. Arborist reviewed project plans— will coordinate with applicant team to ensure conditions are followed and tree is preserved, along with examining portions of project that falls within drip line of the tree.

Aubry Moore, Project Architect: Anticipated potential issues; several back up plans in event of certain scenarios. Did not plan for tandem parking, but some reconfiguration may be considered. Full canopy is porous. Building height can be adjusted. Approve as shown, options can be reviewed by arborist. Alternate location outside of drainage can be constructed.

Commissioner comments:

- S. Mikesell: Not within Old North Davis conservation district. Credit architect and applicant for maintaining transitional design that fits neighborhood.
- C. Essex: Project adequate for neighborhood. Support bike racks provision. Concerns regarding lack of arborist report, need to ensure vitality of landmark tree.
- D. Rutherford: Support deed restriction for affordable housing unit in perpetuity.

S. Mikesell moved, seconded by S. Streeter, as follows:

1. Certify that Mitigated Negative Declaration #5-15 prepared for this project adequately addressed and mitigated the environmental impacts associated with the proposed project;
2. Introduce Planned Development (P-D) Ordinance that rezones the parcels located at 426 East Eighth Street and 717 D Street from Residential Garden Apartment (R-3-M) to P-D #9-15, permitting the proposed residential subdivision and uses, based on the findings and conditions in the P-D ordinance; and
3. Approve the following implementing entitlement applications, based on the findings and conditions for each application:
 - A. Affordable Housing Plan #3-15 that establishes the affordable plan for the subdivision.
 - B. Merger and Tentative Map #3-15 that merges and re-subdivides the 0.702-acre parcels into 9 lots.
 - C. Demolition #6-15 that approves the demolition of the single-family buildings at 717 D Street.
 - D. Final Planned Development #10-15 that establishes final zoning standards for the 9 lots to be created in the new P-D district.
 - E. Design Review #31-15 that establishes site plan and architectural standards for the new P-D district.

C. Essex proposed Friendly Amendment: Add condition– relocate the storm-water detention basin away from the dripline of the Landmark Valley Oak in order to avoid potential injuries to the tree or root system during construction activities. Accepted by mover and second.

R. Hofmann proposed Friendly Amendment: Add condition– identify options for prospective homeowners to ensure that trash/recycling/organic waste bins are screened from public view. Accepted by mover and second.

Motion passed by the following vote:

AYES: Boschken, Essex, Hofmann Mikesell, Rutherford, Streeter

NOES: None

ABSENT: Hanson

C. Public Hearing: Proposed Zoning Amendments Regulating Personal Cultivation of Cannabis/Marijuana

Assistant Director Community Development/Sustainability Ash Feeney: Introduce Best, Best & Krieger Attorneys Ashley Radcliff and Ethan Walsh. Provided background and timelines of City regulations on cannabis. Mirrors existing cultivation ordinance, difference is that proposed ordinance would permit both indoor and outdoor cultivation of cannabis for medical use and personal use. No more than 50 contiguous sq. ft. for indoor cultivation per qualified patient/primary caregiver. Shall not exceed 6 marijuana plants on the property. Minimum 3 setbacks from edge of mature canopy to property line, may not be discernable from public right-of-way. Provided overview Commercial Cannabis Land Use Matrix, request feedback from Commission on anticipated future regulations related to commercial cannabis businesses, performance standards and other cannabis-related land uses.

City Attorney Ethan Walsh: Requesting feedback on districts and suggested zoning standards for commercial cannabis uses. Commissioner comments and recommendations will be forwarded to the City Council for discussion at their March 21 meeting. Current moratorium on all commercial cannabis uses and cultivation shall remain in effect unless or until amended by future action of the City Council. State may begin licensing in January 2018, local jurisdictions are advised to regulate commercial activity. Recommendations on commercial cannabis regulations will come before the commission in the future.

Acting Chair Boschken opened the public hearing.

Eric Gudz, Students for Sensible Drug Policy: Acknowledgement of International Women’s Day. Need additional clarity in code to differentiate medical vs. non-medical cultivation regulations. Replace term “marijuana” with “cannabis” in code. Oppose 1000 ft. restriction from other dispensaries. Restrictions from schools/parks not in place for pharmacies, alcohol/tobacco retailers, etc. may delineate from parks according to uses of parks.

Kimberly Cargile, A Therapeutic Alternative: Medicinal cannabis dispensary and holistic therapy center in Sacramento. Extend invitation for commissioners to tour facility. Acting Chair Boschken closed the public hearing.

Kimberly Cargile, A Therapeutic Alternative; Bobby Uppal, Clear Horizons Management Group; Laurence Overstein, IntegrateCal Community Partners; and Robert, local resident provided comments on cannabis businesses: Similar-use businesses, such as gas stations and restaurants, are often located adjacent to one another. Competition healthy for consumers, patient access throughout city should also be considered. Removing 1000 ft. restriction would be helpful. Creating clusters of dispensaries is useful for security and operational plans. Consider proximity to Police and Fire stations. Consider bicyclist/pedestrian customer access and travel safety to/from dispensaries. Landlords' leasing practices and property sellers ultimately dictate how and where dispensaries will be located. Can be difficult if property owners have commercial loans with major banks, loans may be called on those properties for housing cannabis businesses.

Commissioner comments:

- H. Boschken: Many changes to come in industry, introduction of new technology in many businesses (i.e. drone deliveries).
- S. Streeter: Commercial uses— consider restriction of dispensaries located directly on greenbelt or bike paths in addition to 200 ft. limit from parks and schools.
- C. Essex: Clarify “discernable evidence” in ordinance language for code enforcement purposes, pertains only to visible evidence not odor. Suggest look at 1000 ft. limitation from other dispensaries, may want to allow business to cluster.
- R. Hofmann: Clustering recreational businesses may address security concerns. Delivery options may ultimately reduce need for spreading out medical dispensaries. Would support more distance from schools and parks, but less distance restriction between businesses.
- D. Rutherford: May consider creating separate district in downtown area to remove 1000 ft. restriction on retail/dispensary businesses downtown. Questions raised regarding on-site consumption.

A. Feeney: Can run comments by Police Department for input regarding security concerns. On-site consumption may be an allowable use, staff has not pursued at this time. May return to commission.

D. Rutherford moved, seconded by S. Mikesell to recommend the City Council approve the proposed Ordinance as amended repealing Davis Municipal Code Section 40.26.276 (Marijuana Cultivation), and adding Article 40.26A (Personal Cultivation of Marijuana) regulating activities related to non-commercial, personal use, indoor and outdoor marijuana cultivation in residential zones, and potential performance standards for indoor and outdoor cultivation. Amend Ordinance to remove requirement of 3 ft. setback on non-permanent structures for outdoor cultivation.

Motion passed by the following vote:

AYES: Boschken, Essex, Hofmann, Mikesell, Rutherford, Streeter

NOES: None

ABSENT: Hanson

7. Commission and Staff Communications

A. Upcoming Meeting Dates

A. Feeney: The next Planning Commission meeting is tentatively scheduled to be held on Wednesday, March 22, 2017. Upcoming meeting items: March 22— Sterling 5th Street Apartments confirmed; April 12— Shell Station CUP, mirrors design review project previously approved by commission; April 26— Chiles Ranch Subdivision, tentative; additional items to be scheduled.

8. Adjournment.

Meeting adjourned at 10:45p.m.