



City of Davis
Planning Commission Meeting Minutes
Community Chambers, 23 Russell Boulevard, Davis, CA 95616
Wednesday, March 22, 2017
7:00 P.M.

Commission Members: Herman Boschken, Cheryl Essex, Marilee Hanson (Vice Chair), Rob Hofmann (Chair), Darryl Rutherford, Stephen Mikesell, David Robertson (Alternate)

Absent: Stephen Streeter

Staff: Assistant Community Development/Sustainability Director Ash Feeney;
Community Development Administrator Katherine Hess; Planner Eric Lee

1. Call to Order

Meeting was called to order 7:01 p.m.

2. Swearing in New Commission Member (Robertson)

Oath of Office administered by Deputy City Clerk Bree Toller.

3. Approval of Agenda

H. Boschken moved, seconded by S. Mikesell to approve the agenda as listed.

Motion passed by the following vote:

AYES: Boschken, Essex, Hanson, Hofmann, Rutherford, Mikesell, Robertson

NOES: None

ABSENT: Streeter

4. Brief Announcements from Staff, Commissioners, and Liaisons

R Hofmann: Welcome new member.

D. Robertson: Provided brief background. Retired Attorney. Previously served 13 years on Davis Planning Commission, looking forward to serving community again.

5. Public Comment

- David Wesley: Intersection of Pole Line Road and South Diameter Drive. Many lanes of traffic, all hours of day on Pole Line. Moved bicycle lane to ease egress after concerns submitted to City. Senior citizens unable to move efficiently across intersection, unable to gauge traffic. Need ability for traffic to merge.

6. Consent Calendar

A. Planning Commission Meeting Minutes of October 26, 2016

Approved by consensus.

7. Regular Items

- A. Public Hearing: Sterling 5th Street Apartments / 2100 5th Street:** Planning Application #15-49 for General Plan Amendment #2-15; Preliminary Planned Development (PPD) #5-15; Final Planned Development (FPD) #7-15, Tentative Map #4-15, Design Review #18-15, Demolition #2-15, Affordable Housing Plan #2-15, Development Agreement (DA) #3-15, Environmental Impact Report #3-15.

Planner Eric Lee: Proposal to redevelop the 6-acre site into a 160-unit, student-oriented apartment community and a separate parcel created for a 38-unit affordable apartment community. Total of 198 units, with 611 bedrooms between the two sites. Draft EIR was presented to the Planning Commission in October 2016. The applicant has since modified the project design in response to neighborhood concerns following discussions in January/February 2017, resulting in an approximately 25% reduction in the project scale and density. Provide overview of project components and entitlements. Outline modifications to project, staff has determined has not raised any additional issues that would require additional commission or environmental review. Summarize public comments received during project review process.

Ben Richie, De Novo Planning Group: Brief outline of EIR process and project timeline. Final EIR includes responses to comments received on Draft EIR, minor changes to the Draft EIR, mitigation monitoring program. Two significant and unavoidable traffic impacts at Second Street/Cantrill Drive, and Pole Line Road between Fifth Street and Cowell Boulevard. Master responses in FEIR: ensure that population does not exceed number planned for, allowable uses and densities in the residential high density, potential traffic impacts and thresholds of significance for downtown traffic. Revisions to project since release of EIR do not alter analysis or conclusions.

Community Development Administrator Katherine Hess: Provide overview of potential/upcoming housing projects and number of units over the next 5 years. City is potentially looking to add stop sign intersection with blinking traffic light at Cantrill Drive intersection.

Assistant City Manager Mike Webb: Staff provided Residential Development Status report to the City Council and Commission. Map and tables of current projects currently under construction, review, and/or anticipated are made available on the City website.

Applicant presentation:

- Josh Fassbinder, DinCal3, applicant: Background of company. Sterling University Housing; have never constructed on-campus developments. Were original builders of the U campus on Cantrill. Provide letters to City, testimonials. Have gone through 18 hearings with various government bodies. Project revised to reflect concerns expressed by community members. Revised project profile will better fit in community. Brief overview of project specs. LEED Gold certification. Modified originally proposed amphitheater to hammock garden to reduce possible noise impacts. Addition of 39 trees to site. Market rate/student housing has not been constructed in Davis for several years. Summary of project. Reduction 25% overall project. Increase setback. Addresses comments by other commissions, meets or exceeds City goals and policies

for sustainability, meets needs of housing in community, meets GP housing, infill and transit policies.

Chair Hofmann opened the public hearing.

- Rachel Ishkow, Sacramento Mutual Housing; Alex Lee, ASUCD; Don Gibson; Rob Weiner; John Hammond; Jan Judson; Nin Gordon; Richard Seamen; Larry Fallazio; and Matt Palmer spoke in support of project. Comments included: Petition submitted grads and undergrads. Joint responsibility of City and University to share burden of influx of students. Students generate downtown businesses. 540 bedrooms not provided can amount to 540 additional cars in Davis; forced to commute, negatively impacting traffic, congestion and GHG. Community should not turn away from denser projects; future planning will require increased density. Streamlining of traffic and bicycle circulation has been improving. Research shows individuals brought into cycling community are more likely to use cycling as primary mode of transportation. Students rent single-family homes so families cannot have access to those homes. Landlords have no incentive to provide quality or affordable housing, 13% rent increase. Community spaces provided can help reduce noise impacts in neighborhoods. Rejecting project will not push University to build housing. Support affordable component, promote diversity in community. Integration with student housing, offer services and volunteer opportunities. Developer has gone beyond minimum to provide affordable housing component to project. Other projects are at max capacities and many on waiting lists.
- Marjorie Beach, on behalf of Jean Miller; Marjorie Beach, as herself; Doug Cat; Claudia Krich; Eileen Samitz; Rhonda Reed, Old East Davis Neighborhood Association; Nancy Price; Milton Paylish; and Keith Brenton spoke in opposition to the project. Comments included: Revision is only a slight reduction. Meets student housing needs not Davis housing needs. Concerned with safety of 5th street, congestion and traffic. Housing needed, but parking impacts unavoidable. Having large number of students congregating at site will negatively affect neighbors. Developer proposed huge project, knowing it would need to be reduced. Will not be affordable. Grad housing in West Village is always available because it is too expensive. UC Davis is responsible for providing student housing on campus. Number of students over-occupying single-family housing in Davis will not change. City needs 2- or 3- bedroom apartments, not suites for individual students. Should be designed for possibility of future use as normal apartments. Unitrans costs should be absorbed by developer, adverse effects on City services. Existing building should be utilized. LEED should not allow so many bathroom facilities to be constructed, not sustainable. Should be LEED Platinum. Should have waterless urinals, timers on showers, US-sourced materials, and all materials should be green/recycled materials whenever available.
- Todd Edelman: Segregation in project— affordable housing residents will not have access to market rate amenities on student housing parcel; amenities should be fully accessible to all residents. Denser project would not mean more traffic, if provide less parking and more transit/connectivity options. Eliminate parking minimums in Davis.
- Kevin Wheeler: Current Families First buildings could be utilized for other uses.

- Connor Gorman: Appreciate affordable housing component. Need affordable student housing. Necessary project for Davis, but neighbor concerns should be addressed. More than just mitigation for project. Should actively contribute to community what would not otherwise have been provided.
- Jen Chapman: Support conversation. No reason why all cannot address concerns and work together. Focus on resident involvement and empowerment. Hope to see decrease in GHG from commuters. Significant number of individuals who are not students who also need affordable housing. Addition of more rental housing types may provide opportunity for other families to find rental housing in Davis.
- Greg Rowe: Reduce student density not reasonable alternative. Modified project is similar to alternative. Reasonable accommodation for community concerns. Urban redevelopment perspective, most difficult to take vacant sites and figure out what to do with it. Proliferation of student/mini dorms. Project will provide alternative to issues of single-family residences becoming mini-dorms. UCD should provide more housing. Project may be good stop-gap until UCD builds. Require developer cannot provide master lease agreement to UCD. Davis needs the property tax revenue.

Chair Hofmann closed the public hearing.

Meeting recessed at 9:24pm and reconvened at 9:32pm.

Paul Dearing, Landscape architect: Separate access for pedestrian. Northside and 1 on southside. Separated from vehicle access area. Five canary island pines on site, logical to try to preserve trees. One will need to be removed, in way of driveway. Multi-story projects require specific utilities and drainage which makes preservation difficult.

Vince Chui, Architect: Outline location of elevators and access. Organic pedestrian plan, capabilities to walk through site within interior corridors and exterior courtyard paths.

Josh Fassbinder: Possibility to preserve evergreens will depend on affordable community need for amenities that should be present. Fire lane reduction would be required to preserve trees, not realistic. Property line, water quality, utilities need to be flashed out, but may be option to preserve trees in rear of property. Company does not participate in Private-Public Partnerships. Will not master lease to University. Anyone eligible to lease a unit may be able to rent. UC Riverside required only to lease to full time students, violation of fair housing regulations. Local construction vendors are preferable, but also challenging. Provided overview of management— room selection process, occupancy tracking, and security measures. Property owners pay electricity bills, installation of sub-meters “smart meters” to identify if a specific unit is wasting water. Merchant builder, asks that City prescribe conditional use permits so runs with the land, for future ownership.

Commissioner comments:

- H. Boschken: Location, traffic impacts on downtown area. Main concern is that density of project and age range of occupants. Will have more than significant impacts on students commuting to/from campus. Will use downtown 5th or 2nd street corridor as primary route. Downtown pedestrian safety impacts. Most students will not use

- downtown as destination traffic, will not contribute to downtown economic vitality. Peak hour commute consideration of normal traffic, rather than student commuting hours. Traffic will be impacted at all hours of the day, depending on class schedules. UCD West Village, stands out of excellent model of where project of this scale would be better fit. West Village developed by San Francisco developers, retain leases from UCD. Why didn't developers partner with UCD, locate project in/around campus areas. Most logical place for type of development. Project does little to improve vacancy rate. Poor location relative to University campus, will have adverse effects on downtown. Will add little to retail sales. Not support architectural design.
- C. Essex: Separation from single-family residential, location on arterial street, shopping nearby. Affordable component critical need in community. Support idea of providing student housing for students to have communal living arrangement without taking up single family homes in community. Should be able to provide students housing, especially since so many commute from out of town. Appreciate reduction in project. Not support knocking down existing structures on site, not support removal of so many trees, disappointed that UCD not providing housing for increasing enrollment. See value in supporting development. Loose pedestrian pattern, not strong elements in project. Not one tree is being preserved on site. Urban forest existing on site. No native trees on site, but any trees on site that could be preserved on site?
 - M. Hanson: Not support project. Wish to see additional housing in Davis, should be flexible so that students, workers, teachers, etc. can live in. Student-centric housing should be left up to the University. Very little infill site left in City. Shortage of market rate apartments. Not market rate apartment project, it is a dorm project aside from the affordable component. EIR did not have an alternative to assess University as feasible location. Housing in Davis should be available to students as well as anyone. UCD has 5300 acres to build dormitories for students. Would be much better project if would be available to anyone. Projects look like each other. Architecture, looks like cardboard boxes, highly industrial, cardboard boxes. Support affordable housing component. Should have more access to amenities than proposed in project. What type of management on site, not convinced that future ownership would maintain level of management. Affordability and even levels of interest of young people attending college in future may decline.
 - R. Hofmann: Concerned about affordable component lacking amenities available to neighboring community. Configuration on 5th Street. Left hand turns onto 5th Street from site, concerning. Roadway narrows at certain point. Narrows at roundabout.
 - S. Mikesell: City has been building single-family, affordable apartments and affordable rental housing. Has not built very much in the way of market-rate housing. Sympathize with suggestion of building housing for young families rather than student housing. 0.3 vacancy rate, there is a rental market in City of Davis, not student rental market. Large student housing option for students will relieve rental housing issue in community.
 - D. Robertson: Not support project in proposed location. Concerned with broader issue, constraints of City. Need to address housing issue, piece meal approach to housing issues. Would not put housing in proposed location. Was on board for Families First. Concerned with trend in Davis. Tend to convert uses into highest investment economically versus social investment. Disappointed loss of public/semi-public-use

sites. Facing same housing issues with University, more constraints now. Intersections are required for any mode of transportation, operating at LOS F, not a reasonable standard. Pedestrians, bicyclists, and vehicles utilize intersection. Affordable housing, when must affordable housing must be built.

- D. Rutherford: Housing crisis exists in Davis. 4-5% vacancy rate in healthy market. .3% vacancy rate in Davis. Need to think about future growth in Davis. Many concessions will need to be made. Ability to deed restrict units? Many students need affordable housing. Appreciate Affordable Housing component of project and financing provided by developer. Mutual Housing great choice organization. Local vendor support letters.

Mike Webb: 28-29% UCD provided on-campus housing. GPA Creekside designation was created for category. Notification for public hearing published in Enterprise, only site received designation was Creekside.

K. Hess: City is working toward stop sign at intersection.

E. Lee: Configuration of 5th Street largely the same. Allow center lane for turning out of site. Condition for evaluation by PW to analyze. Mutual Housing build out within 5 years, for financing. Property would then be conveyed to the City, if not met at that time.

C. Essex moved, seconded by S. Mikesell, to certify the Environmental Impact Report prepared for the project and adopt the Findings of Fact with the Statement of Overriding Considerations and Mitigation Monitoring Plan; and

Motion passed by the following vote:

AYES: Essex Mikesell Hofmann Rutherford Robertson

NOES: Boschken, Hanson

ABSENT: Streeter

C. Essex moved, seconded by D. Rutherford, to approve the following planning applications for the project:

- a. General Plan Amendment
- b. Rezoning and Preliminary Planned Development
- c. Final Planned Development, with added conditions:
 - Remove condition #122 - Garbage And Green Waste
 - Preserve Canary Island Pines on South/NW corner of site
 - Direct staff to work with property owner to explore methods to provide residents of their utility usage
- d. Tentative Parcel Map
- e. Demolition and Design Review
- f. Development Agreement, with the following consideration:
 - Reimbursement to City on tax revenues in the event the property is transferred or leased to the University
 - Recommend City Council consider utilize local vendors
- g. Affordable Housing Plan

Motion passed by the following vote:

AYES: Essex, Hofmann, Mikesell, Rutherford
NOES: Boschken, Hanson, Robertson
ABSENT: Streeter

By consensus, the Commission voted to continue the meeting.

B. Public Hearing: U.C. Davis College of Engineering Semiconductor Materials Growth Lab / 2900 Spafford Street: Planning Application #16-38 for Conditional Use Permit #06-16.

Planner Eric Lee: Proposed semiconductor materials growth lab at an existing light industrial building. Research and lab use is a permitted use under the zoning for the site. The proposed lab will handle on-site a maximum total of 3,145 cubic feet of hazardous gasses and 89.5 gallons of hazardous liquids, which would exceed the 200 cubic-foot threshold for gasses and 55 gallon threshold for liquids established in the zoning code. For this reason, Conditional Use Permit approval is required for the lab use to allow the amount of hazardous materials proposed and to ensure that all appropriate safety measures are taken.

Ash: Labs are permitted use in area. Codes currently envision use of hazardous materials, but only up to certain volume. Application has been vetted for a year, professional consultant, fire marshal, and chief building official have thoroughly reviewed application.

Applicant presentation:

John Buckle, Capital Partners: Appreciate commission opportunity, and staff analysis of proposal. Met with City staff, have addressed most issues presented by staff. Confident no issues will arise with uses proposed.

Chair Hofmann opened the public hearing.

- Alan Pryor: Engineering report, Abbie Greg. Was originally supposed to go into Kemper Hall labs, engineering firm is now looking at suitability of proposed site rather than at Kemper Hall. Why not looking at Kemper Hall? Two phases, engineering still analyzing. Current code allows annual usage of 200cft, 300000; 1500 times allowable uses in the code. Way beyond uses. Has not gone to NRC or hazardous substance uses subcommittee of NRC. Should be brought back later.
- Rand Herbert: Part owner of 2850 Spafford. Thrilled to see something moving in to site. Concerns over emergency plans for neighboring sites. First material on list of substances, read article that substance is combustible. Does not address emissions, are gases contained? are solid wastes stored on property? Liquid wastes? Were not provided information.
- Meta Bundy: Request information on materials— hazards, distribution process, etc. Incident response, noticing or evacuation information. Health, flammability, instability. Materials above thresholds obtained from OSHA for a reason. Public access to understanding what potential exposures are, and how regularly inspected, how to keep neighbors and employees safe.
- Connor Gorman: Support semi-conductor research. There are certain locations that

should house this type of use. Other locations in City that would be better suited, already zoned for industrial use.

- Colin Walsh: Map provided does not accurately depict surrounding uses. Homes across the street, preschool within 500ft from proposed site. Sites for academic/industrial uses on campus near WWTP on campus. How is disposal of such materials going to take place? What are regulations in place? UCD business, tax exempt but using in City. No revenue.
- Connor Graybill: Retired from Environmental Planning Environments. Managed HAZMAT remediation projects. Were all caused by tenants. Why does City want to take on risks for nearby tenants. UCD has 5300 acres. Should belong on campus. UCD rents a property, City loses out. Should go back to NRC for consideration.
- Eileen Samitz: Site less 500 ft from Montessori daycare facility. Hazardous materials, gases far exceed limits. Ongoing use of materials, potential for accidents increases risks. City liability, WWTP potential for serious damage. Live-work facility, residential, preschool, bakery, many non-industrial uses nearby. City will not receive benefit of taxes out of uses. Project belongs on campus.
- Jim Gray: Co-developer of subdivision. Had to clean up site to create small commercial subdivision. Was named after Chancellor Ed Spafford. Montessori school had to request to locate in light industrial zoning. Same issue came up. Location was decided unanimously to create such uses. The University would do the best in protecting employees and neighbors. Should not reverse course.

Chair Hofmann closed the public hearing.

Dave McKinnon, Project Manager, UC Davis: Looked extensively at inventory of space on UCD campus, 5000 sq. ft. for large machinery and specialty infrastructure not often available. Provided overview of safety measures— UCD requires use of both air scrubbing and fan dilution methods. Use of gas cabinets— technology detection throughout container would immediately shut down any/all sources. Any laboratory to be constructed goes through model testing of vent systems/ wind tunnel study. Determine worst-case concentration in facility to predict levels of mitigation required for facility. Laboratory chemicals will be properly contained transported, etc. Overview laboratory layout— membrane floor, containment of gases, etc. Exhausted through projected plume fan. Response plans in place for handling materials safely. Hazardous materials business plans often do not require communication with neighbors; response plan will be drafted with City staff and can be shared with neighbors.

E Lee: PD5-94, zoned for use. Hazardous materials in code, industrial/industrial research district identified in code. Not a recent code amendment.

Curtis Pluck: Hazardous waste will be properly contained, transported appropriately. Will go directly to disposal sites, manifested as hazardous materials.

Commissioner comments:

- S. Mikesell: Impacts on perimeter, neighbor awareness of emergency procedures? Should go to Natural Resources Commission, within purview. NRC was asked to review housing development but not a hazardous materials item? Property owner less

thorough in informing neighbors of proposed uses for site.

- D. Rutherford: Concerned with safety measures. Need additional information on risk of explosion, exposure/effects on uses outside of facility; emergency procedures, notification to neighbors, etc.
- D. Robertson: Solid and liquid waste on site? Concerns regarding wastewater and elimination of waste. Containment and explosion, two areas of concern. Small quantities not big issue, significantly increasing amount of materials to be used. Concern with environmental contact with groundwater.
- C. Essex: Enough concern expressed, should have more community outreach.
- R. Hofmann: Compatibility of intensity of use, feasibility study does not clearly address. May need additional expertise to provide information that has not been provided to the Commission. Reading through feasibility study compared to presentation to-night, questions raised.

A. Feeney: CUP perview to planning commission, staff met and determined that through building and fire codes that project would not present health/safety hazard to public welfare. Incident management procedures in place within facility to prevent health and safety hazards. Plans for land use CUP, detailed plans still need to be fully vetted through Building and Fire for final design review.

H. Boschken moved, seconded by D. Robertson, to approve as follows:

1. Find that the proposed project is categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301 as an existing facility; and
2. Approve Conditional Use Permit #06-16 pursuant to the Findings and subject to the Conditions of Approval.

D. Rutherford proposed a Friendly Amendment: Request condition outreach and adequate evacuation/safety plan, particularly related to child care facility and neighboring facility.

John Buckle: Misinformation should be clarified. Request the Commission continue discussion, can provide information at that time.

D. Robertson moved a substitute motion, seconded by S. Mikesell, to continue discussion to the Planning Commission meeting of April 12th.

C. Essex proposed a Friendly Amendment: Request applicant conduct additional outreach with neighbors. Accepted by mover and second.

M. Hanson: Within NRC purview, request staff look into possibility to have NRC representation at next discussion.

Motion passed by the following vote:

AYES: Boschken, Essex, Hanson, Hofmann, Rutherford, Mikesell, Robertson

NOES: None

ABSENT: Streeter

- 8. Commission and Staff Communications** (Includes upcoming meeting items, events, sub-committee reports, reports on meetings attended, inter-jurisdictional bodies, inter-commission liaisons, etc.)

A. Upcoming Meeting Dates

The next Planning Commission meeting is tentatively scheduled to be held on Wednesday, April 12, 2017.

9. Adjournment.

Meeting adjourned at 12:45 AM