



**City of Davis**  
**Planning Commission Meeting Minutes**  
**Community Chambers, 23 Russell Boulevard, Davis, CA 95616**  
**Wednesday, April 12, 2017**

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

Absent: None

Staff: Community Development Administrator Katherine Hess; Planner Cathy Camacho; Planner Eric Lee

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**1. Call to Order**

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

**2. Approval of Agenda**

D. Rutherford moved, seconded by H. Boschken to approve the agenda as listed.  
Motion passed unanimously.

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

None

**4. Public Comment**

None

**5. Consent Calendar**

**A. Fiscal Year (FY) 2017-18 Capital Improvement Projects (CIPs) Finding of General Plan Consistency**

Determined that the list of new CIPs for FY17/18 are consistent with City of Davis' General Plan.

**B. Planning Commission Meeting Minutes of February 8, 2017**

Approved Minutes.

**C. Subdivision Committee Memo – Review of Lot Line Adjustment #01-19 (Planning Application #16-49) at 1407 & 1411 Chestnut Place**

Received as Informational.

**6. Regular Items**

**A. Continued from March 22, 2017: 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: Brief background— proposed semiconductor materials growth lab at

light industrial building. Applicant proposal exceeds the allowable threshold for gasses and liquids established in the zoning code. Conditional Use Permit approval is required to allow the amount of hazardous materials proposed and to ensure appropriate safety measures are taken. The initial public hearing was held March 22, 2017. The item was continued to provide time for the applicant to conduct additional outreach to neighbors. The applicant held an open house, inviting members of the public and neighbors. The Natural Resources Subcommittee on hazardous materials provided questions to the applicant, applicant responses have been provided to the Planning Commission. Overview City department and other agencies' regulatory roles prior to issuing occupancy permits. CEQA exemption requirements. Proposed use consistent with R&D permitted uses.

Dave McKinnon, UC Davis project manager: Existing laboratory use in building does utilize laboratory chemicals/gases. Some compressed hydrogen, compressed nitrogen, some solvents. Have a hazardous business plan for site. Particular levels of control largely affected by use of ammonia gases, other uses at site do not use these materials. Brief overview of hazardous waste handling— delivery frequency varies by gases/liquids. University prefers not to have any more chemicals on site than is needed. Do not intend to have the maximum amount on site at all times. Day by day usage is lower than total number of materials needed on site. Storing off site and making frequent/daily deliveries dangerous than proper storage on site pursuant to safety codes. Not intended to be incubator site, for use by College of Engineering. Provide brief overview of University regulations for laboratory facilities. Summarize AGI report— initial efforts were to locate alternative sites on campus. Function was originally a part of a larger project, original proposed location found unfeasible due to safety hazards and size of available sites. Costs for large non-temporary laboratory structures on campus must undergo 4-year planning process. Sense of urgency in order to secure a particular researcher. Requested assist in potential off-campus location, resulting in report.

#### Public Comment

- Carli: Planning Commission responsibilities includes general public welfare. Environmentally conscious town. High cost for locating facilities on UC Davis campus.
- Susan Gray: UC Davis bypassing their own environmental review processes. What mechanisms in place to ensure hazardous waste compliance? Collaborative monitoring and precautions should be exercised.
- Roberta Millstein: Concerned with process. Hazardous materials falls under purview of Natural Resources Commission, should have had opportunity to weigh in. Commission structures exist for a reason.
- Eileen Samitz: Hazardous materials do not belong in close proximity to Montessori school, affordable housing, and bakery. UC Davis is notorious for not funding construction of facilities on their own land. CEQA analysis needs to be conducted.
- Nancy Price: Endorse comments made by others. Not support recommendation. Stress importance of proper process, should not have been fast-tracked.
- Alan Pryor: Safety criteria questions unanswered. Locations of hazardous materials related to schools not answered. Applicant cannot answer where else lab could go on campus or elsewhere in City. Urge commission to reject recommendation, not support CEQA exemption.
- Dave McLoughlan: Urge Commission to reject proposal. Loss for City.

- Carl Benjamin, Gold Standard Diagnostics: Concern with transportation of hazardous materials on street. Between traffic pattern and parking, in addition to the daycare, need to be careful when navigating area.
- John Buckle: Support. Staff report was careful and thorough. Many more design/review steps through other agencies and departments after commission approval.
- David Grundler: Support. Proposal is type of project exactly intended by creation of zoning district.
- Isaiah: Concerned with potential for leakage or accidents. Concerned incidents may affect neighboring businesses.
- Scott Miltenberger: Should perform CEQA toxic waste analysis. Process is for City protection and UC Davis protection. Should a CUP be granted, at minimum should be required notification to neighbors about incident control.
- Metta: Not support CEQA exemption. Include condition for notification protocol, provide opportunity for neighbors to consider appropriate actions for their businesses.

Fire Marshal Tim Annis: UC Davis Fire Dept. has hazardous materials teams which act as countywide response team, as a result of the boundary drop. University Fire Marshals review projects thoroughly in alignment with Fire Code requirements. Code 3 Incident—emergency response times vary depending on size of incident.

Chief Building Official Greg Mahoney: Building and Fire Codes two guiding principles to address all occupants of building, including neighbors. Address safety and compliance. Does not exceed Code limitations, only trigger for CUP. Code is updated every two to three years. Building and Fire Codes are separate from land use decisions.

E. Lee: Does not meet threshold for CEQA significant impact, only meets threshold for City CUP. Handling of materials and storage and safety will fall under purview of Building and Fire Department review. Provide historical background on Planned Development.

Commissioner comments:

- R. Hofmann: Not support CEQA exemption. Perception that University is circumventing onerous requirement process for utilizing a site on campus.
- C. Essex: Messages from members of the public indicate lack of trust of agencies reviewing and approving this project. CEQA by nature is a public disclosure process.
- M. Hanson: Not support CEQA exemption. Proposed uses for site far exceed limits of hazardous materials. Court cases have classified hazardous materials uses as “unusual” exemption. Public services, parking, risk assessment, risk upset, impacts on emergency response— none of these elements have been addressed in this application. Location near proposed affordable housing site, perpetuates trend of locating low-income housing near hazardous or industrial sites.
- D. Robertson: Not support CEQA exemption. Building Code and Fire Code do not address environmental issues affecting groundwater, surface water, and soil resources. Such issues would fall under a CEQA review process. Mitigated Negative Declaration may be needed after result of an initial study.
- D. Rutherford: Fearful processes that have been put in place are siloed, uncertain what may be missed in review process. Concerned about compatibility and safety at proposed site.

- S. Mikesell: Offers opportunity to assess whether nuisance/compatibility with area.
- H. Boschken: Emphasize CEQA exists for purpose, value in providing systematic way to evaluate information. University not required to pay taxes on space, City loss of tax revenue and R&D space.

M. Hanson moved, seconded by C. Essex, to reject the findings that the proposed project be categorically exempt from further environmental review pursuant to CEQA Guidelines Section 15301 as an existing facility; lack of evidence that proposed use, in proximity to neighboring uses, qualifies for exemption. Require that initial study include evaluation of groundwater, surface water, soil, and emergency response.

Recessed at 8:55 p.m. and reconvened at 9:01 p.m.

Motion passed unanimously.

Community Development Administrator Katherine Hess: Staff will re-notice for future meeting when analysis is conducted.

**B. Public Hearing: Creekside Apartments Affordable Housing / 2990 Fifth Street: Planning Application #16-51, Final Planned Development #6-16, Design Review #19-16.**

Planner Cathy Camacho: Provide project overview. Proposed 90-unit affordable rental housing project on vacant 2.27-acre land dedication parcel. The project will provide 81 one-bedroom and 8 two-bedroom apartment units. Two, three, and four story residential buildings. The project includes a community building with staff offices, meeting facility, small gathering areas, laundry room, and a two-bedroom manager's apartment. On-site management is to be provided by the John Stewart Company. The resident population will include extremely low-income, very low-income and low-income households. Forty percent of the units will be prioritized for individuals who are disabled and/or currently homeless. Four Unitrans stops near site. Project meets or exceeds zoning standards, with exception of 8' setback. Staff considers low impact, as rear setback backs to drainage channel. Proposes 82 bicycle parking spaces, obligation to provide 99 spaces if deemed necessary in the future. Parking distributed evenly throughout site for resident access in all buildings. Two story buildings located on fifth street, compatible with other buildings. Three story building located further interior of site, four story buildings at rear of site. Building articulation provided through balconies, trellis', decks, and curved stairs. One tree on site removed, located immediately above water connection site. Will be re-planted on site, along with addition of several other trees.

Chair Hofmann opened the public hearing.

- Luke Watkins: Variety of income served in project. HUD vouchers may bring housing costs down for qualified individuals. John Stewart Company manages special needs housing issues. Davis Community Meals will have Case Manager on site to provide various social services to residents. Will act as service coordinator to assist in provision of services available within the region.
- Stephen Osgood: Concerns related to General Plan consistency, compatibility of

- project with residential community nearby. Full-scale 4-story housing development project, not infill development of compatible affordable units, no transition to adjacent single-family homes. Concern of concentrating disabled/homeless population, concerns with safety and atmosphere.
- Davis Grundler: Support proposal. Appropriateness in community, retaining wall to neighborhood across the street. Concern with project is amount of parking. Parking is often underestimated in similar projects that have been approved.
  - Connor Gorman, Grad Student Union: Support increasing density. Support affordable housing for individuals who would not meet qualifications in existing affordable housing standards. Support project.
  - Carol Carringa: Concerned with impact of increasing homeless individuals in area, safety concerns. Incidents have occurred in nearby parks. Not support density of project. Not appropriate.
  - Ann Rossgood: Many not comfortable raising incidents with homeless to Police Department, but problems do exist. Not opposed to development, concerned with density.
  - Kathy Sachs: Applaud City for creating low-income affordable housing. Supported initially, have just received notice regarding actual density of project. Questions raised regarding impact of proposed density, lack of information related to potential issues.

K. Hess Land dedication site for number of years. Density and zoning approved by City Council last year. Maximum density of site prior to amendment would have been 68 units, 170 bedrooms on site. Proposal is 90 units, but only 99 bedrooms. City Council specific direction to increase density, established as City goal.

C. Essex moved, D. Rutherford seconded, to approve Planning Application #16-51, Final Planned Development #6-16 and Design Review #19-16 for Creekside Apartments based on the findings and subject to the conditions of approval.  
Motion passed unanimously.

M. Hanson: Request staff communicate community member concerns with PD.

## **7. Commission and Staff Communications**

### **A. Upcoming Meeting Dates**

K. Hess: Sterling 5<sup>th</sup> Street apartments going to Council April 18. Commercial cannabis notices going out to scoping meeting for April 26. The next Planning Commission meeting tentatively scheduled for Wednesday, April 26, 2017.

D. Robertson: Request Commission receive housing information to understand context. Where we are at student housing, upcoming housing projects, estimates for market availability. Not comfortable approving housing projects without knowledge of overall scheme.

### **Adjournment.**

Meeting adjourned at 10:13 p.m.