



City of Davis
Planning Commission Meeting Minutes
Community Chambers, 23 Russell Boulevard, Davis, CA 95616
Wednesday, July 19, 2017
7:00 P.M.

Commission Members: Cheryl Essex, Rob Hofmann (Chair), Stephen Mikesell, Darryl Rutherford, Stephen Streeter, David Robertson (Alternate)

Absent: Herman Boschken, Marilee Hanson (Vice Chair)

Staff: Assistant City Manager Mike Webb

1. Call to Order

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

2. Approval of Agenda

Assistant City Manager Mike Webb: City received request to postpone the hearing for Trackside Center Mixed-Use Project; applicant agreeable to reschedule. Recommend open and continue discussion to August 23rd meeting. Have provided notice as advance as possible.

D. Rutherford moved, seconded by R. Hofmann, to approve the agenda.

Motion passed by the following vote:

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

NOES: None

ABSENT: Boschken, Hanson

3. Brief Announcements from Staff, Commissioners, and Liaisons

M. Webb: Provided update on City Council items— provided direction to staff on Cannabis regulations and timeline; postponed retail dispensary regulations. Draft regulatory ordinance will come before Commission on July 26. City Council approved 820-822 B Street project, appeal to Commission action.

D. Rutherford: B Street Appeal— interpret Council decision, any guidance for Commission to consider in future appeals?

M. Webb: Decision primarily based on consistency with current zoning. Upcoming joint discussion with City Council may provide more clarity on Commission role in appeal process. In discussions to determine if joint meeting and affordable housing workshop can take place at same meeting.

4. Public Comment

None

5. Regular Items

A. Public Hearing: Trackside Center Mixed-Use Project / 901-919 3rd Street: Plan-

ning Application #15-41 for Specific Plan Amendment #2-15; Preliminary Planned Development/Rezone #4-15; Final Planned Development #5-15, Design Review #15-15, Demolition #5-15, Sustainable Communities Environmental Assessment/Initial Study #4-17.

Chair Hofmann opened and continued the public hearing to the Planning Commission meeting of August 23, 2017.

B. Public Hearing (continued item from May 24, 2017): Certification of Final Environmental Impact Report (EIR) for Mace Ranch Innovation Center (MRIC) Project

Assistant City Manager Mike Webb: Introduce City Attorney Harriet Steiner, Contract Project Planner Heidi Tschudin, and EIR Consultant Nick Pappani. Provide overview of staff responses to comments and clarifying questions received at the May 24, 2017 Planning Commission meeting. Decision-making action is limited to certification of the FEIR and is not an action on or approval of the project. Staff proposed clarification to page 7-202 of EIR noting the mixed-use alternative, identified as the environmentally superior alternative, assumes the addition of a legally enforceable mechanism to ensure that at least 60 percent of the on-site units would be occupied by at least one MRIC employee can be provided.

Chair Hofmann opened the public hearing:

- Dan Ramos, Applicant: Read 2016 letter request to Council to certify EIR. Understand project is not asked to be approved. Certified EIR may help to attract more tenants and investors to project. Certification process provides City opportunity to consider how economic development might move forward in the future.
- Matt Keasley, Applicant team: Pleased with EIR and staff report for previous meetings. Certification does not commit the City to take any position on any future proposal related to project. Acknowledge potential need for additional environmental analysis with future project proposal.
- Eileen Samitz: Strongly oppose certification of the EIR. Number of alternative projects were proposed, not defined in EIR. Employee housing alternative is not realistic, not legally enforceable. No way to assume that traffic circulation would be reduced with alternative. Developer previously threatened to go to County for development if City did not comply. Giving up City negotiating power.
- Jason Taormino, Davis Chamber: Chamber supports project. 40% revenue for City comes from business. Important for City to finish process. EIR is not a developer's document, it is a community document. Time to conclude process. Urge commission to recommend certification, move toward further growth.
- Kyle Sporange, Carpenters Local 46: Not support project. Has not committed to local hiring, unions, or apprenticeships.

Chair Hofmann closed the public hearing.

D. Robertson: Concerned environmentally superior alternative is not appropriate, project specifically intended not to include housing. What legal mechanisms allow City to have reasonable assurances to reach 60%? Are affordable housing calculations included in

analysis? As a land use attorney, have never reviewed an EIR independent of project.

H. Tschudin: CEQA only requires project that would minimize impacts and reasonably attain the same project objectives, not required to be equal-weight alternative. City Council was given analysis and options of potential alternatives to choose for EIR. Affordable housing analysis has not been conducted at this time.

H. Steiner: Public entities in California may provide preference/standards for employee-occupied housing. City has not developed such a program yet, would need to be tested for fair housing compliance. Some cities bring EIR months in advance of project analysis.

S. Mikesell: Thank staff for report and analysis. Legality with certifying EIR outside of project approval?

H. Steiner: CEQA provides opportunity. Certification is not subject to be challenged outside of project approval.

C. Essex: Appreciate analysis in report, a lot of confusion surrounding EIR process. EIR is designed to inform the public on the environmental effects of the project. Staff report has provided answers to previous questions/concerns. Concerns regarding adequacy of open space taxes used on Mace Triangle. Provided questions on legal commitments of City to certification of EIR. What leverage does City retain beyond the minimums required by the EIR? Impacts to burrowing owl habitat? Significant and unavoidable impacts, City must be able to say that quantifiable project benefits override impacts via statement of overriding consideration. Concerned whether feasible project will result from these impacts; will voters approve such a project? Believe EIR adequately addresses the potential impacts of the project.

M. Webb: Mace Triangle property included in EIR analysis to assess most impacted potential scenario. Does not obligate City to include property in final project approval. Should Council decide to use parcel for uses other than open space, funds would need to be reimbursed to Measure O fund.

Nick Pappani, Raney Planning and Management: EIR assumes site is nesting/foraging habitat for burrowing owls. Mitigation measures require that a biologist conduct surveys. Replacement habitat would need to be provided or passive relocation. Potentially create artificial habitat in addition to replacement habitat.

H. Tschudin: Statement Of Overriding Consideration would not be required until project approval. Certification implies the EIR was completed in compliance with CEQA.

D. Rutherford: Concerned with precedent setting for community, outside of promises for community benefits, labor negotiations, City negotiations, etc. Measure R in place for community. Can City ensure public that good faith negotiations will take place with interested parties in community? Recommend City Council use opportunity for community benefits. Good time for negotiations to start between community groups and developers. Can EIR still be legally challenged prior to project proposal?

H. Steiner: EIR could be challenged if/when described project is approved under this EIR, but not outside of project approval.

S. Streeter: Letter received, need for business park space in City. Already abundant

commercial space available in South Davis.

M. Webb: City previously released requests for expression of interest for business development in City. Review of build-out throughout City, identified need for business park. No project alternative analyzed available spaces throughout City; not contiguous, scattered throughout City and/or not sized to provide appropriate space for potential business/office park uses. 12-14 acres available in City, would require complete redevelopment of sites in City for similar uses.

S. Mikesell moved, seconded by C. Essex, to recommend to the City Council that the MRIC Final EIR document adequately analyzes the potential environmental impacts of the project for the purposes of CEQA, with the project description as set forth in the EIR and with a proposed clarification to page 7-202, noting the environmentally superior alternative is the mixed-use alternative assuming the addition of a legally enforceable mechanism to ensure at least 60 percent of the on-site units would be occupied by at least one MRIC employee can be provided, and the EIR may therefore be certified should the City Council choose to undertake such action.

R. Hofmann: EIR certification explicitly defined. Commission will have opportunities to comment on project.

C. Essex: Clarify recommendation for certification is based on findings that the EIR was completed in compliance with CEQA; was presented, reviewed, and considered; and reflects City's independent analysis.

Motion passed by the following vote:

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

NOES: None

ABSENT: Boschken, Hanson

6. Commission and Staff Communications

M. Webb: Assistant Director Community Development/Sustainability Ashley Feeney has returned part-time, will transition back to working with commission in future.

A. Upcoming Meeting Dates

M. Webb: The next Planning Commission meeting is scheduled to be held on Wednesday, July 26, 2017; tentative items Lincoln40 DEIR, Blessed Extracts, and Cannabis Ordinance. Meeting of August 23— Traskside Center public hearing, staff will assess additional items during recess.

C. Essex: Will not be in attendance August 23rd meeting.

7. Adjournment.

Meeting adjourned at 8:18 p.m.