



**City of Davis**  
**Planning Commission Meeting Agenda**  
**Community Chambers, 23 Russell Boulevard, Davis, CA 95616**  
**Wednesday, January 24, 2018**

Commission Members: Herman Boschken, Cheryl Essex, Rob Hofmann (Chair), Stephen Mikesell, David Robertson, Stephen Streeter, Greg Rowe (Alternate)

Absent: Darryl Rutherford

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

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**1. Call to Order**

Chair Hofmann called the meeting to order at 7:01 p.m.

**2. Approval of Agenda**

D. Robertson moved, seconded by S. Streeter, to approve the agenda. Motion passed by the following vote:

AYES: Boschken, Essex, Hofmann, Mikesell, Robertson, Rowe, Streeter

NOES: None

ABSENT: Rutherford

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

A. Feeney: Downtown Plan Advisory Committee meeting update. Will not be present during Cannery Marketplace item for previous involvement with project.

**4. Public Comment**

- Alan Hirsch: Thank City Council candidates in attendance at Planning Commission meetings, key function of Council is to make decisions on land use.

**5. Regular Items**

**A. Public Hearing: The Cannery Marketplace Revisions: Planning Application #17-82 for Development Agreement Amendment #2-17, Preliminary Planned Development Amendment #3-17, Affordable Housing Plan Amendment #2-17, Revised Final Planned Development #5-17, Conditional Use Permit #18-17, Design Review #23-17, and Environmental Impact Report Addendum #8-17**

Planner Eric Lee: Proposed revisions to the Cannery Marketplace Project, previously approved by the City in 2016. Overview 2016 approved plan; mixed-use retail, office, and residential development. Proposed revisions include an increase in total square footage of the mixed-use development and proposed anchor tenant space; proposing 54 additional residential units for a total of 90 one and two-bedroom apartment units; reduction in size to the two-story building with medical office uses; height adjustment to allow 48 ft. for the three-story apartment building; and related site and design changes.

The overall site layout, circulation, and building footprints of the proposed project are similar to the approved project. Environmental impacts— concluded no new or substantially severe significant impacts, does not require additional review or supplemental EIR. Affordable Housing Plan— proposed additional units trigger 2 additional affordable units needed. Social Services Commission recommends 9 additional affordable units. CUP approval will be needed for proposed fitness center and medical clinic uses. Applicant conducted outreach and has received general support from neighbors.

Applicant presentation:

George Phillips, Applicant Representative: Vision for site is neighborhood center. Original intention for food/grocer use for anchor tenant. Still driven by smaller retail, anchor tenant will drive traffic for smaller businesses. Retail is evolving, brick and mortar businesses becoming gathering places. Overview residential sites, and affordable units.

Chair Hofmann opened the public hearing.

- Larry Guenther: Concerned with planning process in City, straying from project origins.
- Linda Deos: Traffic concerns, not support size of parking lot. Neighborhood retail should promote bike/ped transportation. Moving away from neighborhood retail serving the neighborhood.
- Alan Hirsch: Shifting from small neighborhood site, health club will impact other amenities in the greater community. Additional bike parking by bus stop on Covell. Concerned with size of development.
- Tyler Goldman: Antiquated shopping center design. Convoluted access design, no connection to North Davis residents. Transportation concerns.
- Leonard Gray: Proposed anchor surprised Cannery residents. Not support proposed fitness center. Already impacted parking on site. Access issues.

Chair Hofmann closed the public hearing.

Kevin Shea, Applicant team: Potential for additional office uses on first floor. Cannery residents utilizing proposed fitness center. Have approached approx. 200 potential tenants for anchor site, and have been turned away. Still in negotiations with proposed tenant. High profile uses increase competition and quality of other businesses in community.

Terry Green, Architect: Overview site. Locations for bicycle parking, electric vehicle (EV) charging stations, additional future EV spaces proposed, and street parking. Outdoor seating areas proposed in green areas and outside several buildings. Proposed restaurant and coffee shop tenants for the smaller sites. Built plan around existing trees.

Commissioner comments:

- D. Robertson: Lack of connectivity, people will need to park close to their use site. Original proposal intended as a meeting/gathering place for neighborhood. Proposed fitness gym is a departure from original intended use. Understand challenge in need

- to attract business, limited options for brick and mortar sites.
- S. Streeter: Prefer to see parking reduced and increase in meeting/gathering areas— outdoor seating, gathering spaces, etc. Concerned with potential for fitness center activity runoff into neighborhood. Support additional EV parking spaces in future.
  - S. Mikesell: Recommend change mural design on side of building. Commend applicant for exceeding affordable units in original project. Third iteration of this project in a short period of time, process is frustrating. Fitness center proposal, unfortunate substitute. Receptive to concerns of neighbors; auto traffic unlikely to be significantly greater with this use than previous proposed uses.
  - G. Rowe: Rarely see bicycle traffic for fitness centers; traffic overflows during peak hours. Competitor in town may be good for other businesses, force to upgrade and maintain quality. Economic challenges in finding brick and mortar businesses.
  - C. Essex: Fitness center is acceptable, will still provide the same function of previous proposal. Disappointed with failure to provide adequate access to bus stop. Hope to see future projects with improved plans for promoting alternative transportation and reduction in GHG in community. Propose condition divert utility trench to retain trees.
  - H. Boschken: Concern regarding access points to neighborhood entrance off Covell rather than Cannery Road. No signal control at Covell entrance. Project will not come close to Net Zero. Project will be additional strip mall on Covell, will compete with downtown businesses. Not support.
  - R. Hofmann: Concerned over-parking to turn into a destination site. Proposed site is 9,000 sq. ft. larger than the largest existing fitness center in town. Will change character of intended designation of neighborhood mixed-use. Developer requesting additional negotiations on Development Agreement. City in position to ask for more, should look at additional affordable units.

S. Mikesell moved, seconded by D. Robertson, to recommend that the City Council:

1. Approve the Resolution certifying the Addendum to the Cannery Project Environmental Impact Report;
2. Adopt the Ordinance approving the Third Amendment to the Cannery Development Agreement;
3. Adopt the Ordinance amending the Cannery Preliminary Planned Development;
4. Approve the Resolution revising the Cannery Final Planned Development, Affordable Housing Plan, and Neighborhood Design Guidelines; and
5. Approve the Planning Application #17-82 for a Revised Final Planned Development, Conditional Use Permit, and Design Review for the Cannery Marketplace and adopt the Findings and Conditions of Approval.

C. Essex proposed a Friendly Amendment: Add condition to retain trees, relocate utility trenching; consult with City arborist. Accepted by mover and second.

S. Streeter proposed a Friendly Amendment: Request applicant to conduct study to justify need for additional parking. City Council request less parking as reasonable beyond City requirements. Not accepted.

S. Streeter: Request forward parking concerns to City Council.

Motion passed by the following vote:

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

Meeting recessed at 8:45 p.m. and reconvened at 8:50 p.m.

**B. Public Hearing: Nishi Residential Development: Planning Application #14-57, General Plan Amendment #08-14, Rezoning/Preliminary Planned Development #06-14.**

Community Development Administrator Katherine Hess: Modified project includes 2,200 residential beds in approximately 700 two- and three-bedroom multifamily rental units primarily geared toward students. Project will include an affordable component, ancillary retail business uses, urban forest and open space. Summarize Open Space and Habitat Commission comments inadvertently omitted from staff report. The project also proposes additional vehicular and bicycle/pedestrian access, and surface parking with opportunities for photovoltaics. Voter approval required under Measure J/R. An Environmental Impact Report Addendum was produced to assess whether new circumstances or project changes would require additional analysis or verification. Air quality concerns expressed, determined not a significant impact under CEQA. Overview mitigation measures from original EIR. Affordable Housing—overview affordable housing proposed. Deviates from standard 35% required. Social Services Commission considered potential amendments to Affordable Housing ordinance on Monday. Anticipate City Council review on February 6 in tandem with Nishi project proposal. Putah Creek Pkwy— Question of whether buses should cross Pkwy. Mixed responses from commissions. Allow/require bus access w/ grade-separated crossing.

EIR Consultant Fran Reuger, Ascent Environmental: Overview CEQA EIR Addendum to project. Air quality is an impact under CEQA, court cases in the time since the EIR was approved. Supreme Court California, how would the project upon build-out affect the environment – rather than how the environment would affect the project. If the project would exacerbate existing environmental issues, would result in an identified impact. The report concludes that approval of the modified Nishi project would not result in new or substantially more severe significant impacts related to topics previously addressed in the Nishi Gateway EIR. Mitigation measures with few modifications will be implemented for the project.

Applicant presentation:

- Tim Ruff, applicant: Nishi 2.0 Student Living Next to Campus. Project overview— site location; heard traffic concerns, reduced traffic impacts. Eliminated vehicle access to/from Richards Blvd intersection. Critical need of student housing, will reduce traffic trips. Overview project features and reduced traffic impacts. Affordable Housing program, servicing very low and extremely low income students,

- critical need. Continuous urban forest, expanding Putah Creek Parkway, increased connectivity with open space areas. Finance and Budget Commission review— one-time fiscal benefit for City, County, DJUSD, as well as annual contributions to other entities.
- Air Quality Consultant Larry Greene: Overview 30-yr statewide tailpipe emissions, and ozone emissions patterns, actual and projected through 2030. Nishi project site proximity to UC Davis campus will reduce and/or eliminate use of automobiles.
  - Air Quality Consultant Don Shor: Overview benefits of urban trees, reduction in air pollution and improvement of air quality. Summarize proposed urban forest, proposing 2000 trees and shrubs. 85% canopy and ultimately 100% canopy goal. Overview criteria for vegetation selection. Goal to adopt model project for urban forests.
  - Craig Stradley, Mogavero Architects: Proposed new undercrossing to UCD campus. Set back from freeway, separated by vegetation. Stormwater detention at far end of site. Greenbelt cut through the middle of project with bike/ped circulation. Overview proposed land use and site plans. Separation of residences into smaller community spaces. Bicycle lending program available for residents. LEED Gold and net zero energy goals. Photovoltaics on building rooftops, green energy purchase through Davis community choice.
  - John Whitcombe: Overview privately subsidized affordable housing for project. Project will provide 264 affordable beds at very low- and extremely low-income. Affordable housing ordinance only extends down to very low-income bracket. Project will provide higher subsidy than City subsidy under the Affordable Housing ordinance.

Chair Hofmann opened the public hearing.

- Jason Taormino, West Davis Active Adult Community; Don Gibson, ASUCD Housing Task Force; Alisha Hacker; Alan Hirsch; Adam Hatafi; Paren Swanlon; Emily Jones; Dylan Orton; Niko Palom; Ken Colber; Aaron Lada: Support project. Comments included: Support housing subsidy, additional affordable units. City needs alternatives to neighborhood rentals for students. Promote alternative modes of transportation. Support LEED Gold and Net Zero features. Less parking per bed proposed than any other housing development. Project is better than most housing options in Davis. Lack of competition is detrimental, substandard living conditions. Air quality concerns have been disproven, wind from I-80 freeway non-existent and project proposes vegetation barrier. Support urban forest proposal.
- Tim Hoban; Kyle Swarns; Roberta Millstein; Larry Guenther; and Colin Walsh: Opposed project. Comments included: Nishi is too large for parcel. Concerns with impact of students concentrated in proximity to downtown. Foresee potential parking issues. Developer not committed to participating in local hiring or apprenticeship practice. Chancellor has assembled a team to study air quality issues at Nishi; premature for City to move forward before the results of study are in. EIR measurements air quality measurements don't reflect worst-case air quality scenarios, cannot appropriately determine mitigation. Major health risks to lungs and heart for persons living in close proximity to air pollution sources. Developer has brought multiple projects to voters that have not passed. Concerned with process. Concerned

- when commissioners need more information.
- Connor Gorman: Support undercrossing for double-decker buses. Support affordability component. Should increase density, increase building height to create additional space. Increase affordable units.
  - Matt Williams: Concerns regarding project clause that proposal is preliminary and subject to change. Need to inform voters. Deferring to November election will provide time needed for UCD to make written commitments.
  - Todd Edelman: Concerns with labor and noise issues. Incorporating a parking lot near the Richards/80 interchange would allow the conversion of the proposed parking in Nishi to commercial space and incorporate air mitigation.
  - Dan Carson: Finance and Budget Commission reviewed fiscal impacts to City. Clarify— commission concluded that staff model re modest annual net fiscal benefit considered reasonable. Additional analysis needed as part of Development Agreement and ongoing negotiation.
  - Eileen Samitz: No legally-binding agreements in place for Union Pacific crossing, UCD access, or tax sharing. 12% affordable is inadequate. Development Agreement should place cap on bus traffic through site. Water meters required by law, monitoring and billing.
  - Eric Gudz: Many UCD representatives have attempted to work toward additional and affordable housing and have meet resistance.
  - Marissa Rodriguez: Concerns regarding air quality and susceptible environmental injustices. Need to hold City and Developers accountable to Affordable housing. Consider other underlying factors that may impact quality of life.

Chair Hofmann closed the public hearing

K. Hess: All-student households not eligible for state financing mechanisms; calculating incomes per occupant/per family are aggregated, more difficult with proposed unit structure.

A. Feeney: Social Services Commission did not review revised Nishi proposal after refinement to include affordable housing component to project. Commission proposed modifications to the City's affordable inclusionary housing requirement ordinance. Amendment intended to serve as a bridge, anticipate further review.

Commissioner comments:

- C. Essex: Include public transit in addition to Unitrans, improve service. Phasing of Development Agreement— Olive Drive and UCD emergency vehicle connection should be in place prior to occupancy.
- G. Rowe: UC Davis has history of not meeting student housing goals but exceeding enrollment projections. Propose conditions.

S. Mikesell moved, seconded by D. Robertson, to recommend that the City Council determine that the Addendum to the previously-certified EIR adequately assesses the impacts of the revised projects and there are no changed circumstances or new information requiring recirculation pursuant to Section 15164 of the State of California CEQA Guidelines.

Motion passed by the following vote:

AYES: Boschken, Essex, Hofmann, Mikesell, Robertson, Rowe, Streeter

NOES: None

ABSENT: Rutherford

S. Mikesell moved, seconded by H. Boschken, to recommend that the City Council approve the following project applications:

- a) General Plan Amendment
- b) Rezoning and Preliminary Planned Development
- c) Development Agreement, including provisions for affordable housing and Baseline Project Features as required by Chapter 41 of the Davis Municipal Code

G. Rowe proposed Friendly Amendment: The City of Davis shall not issue Certificates of Occupancy for the project until successful execution of an Agreement specifying that the University of California, Davis will fully attain the six requested actions specified in Davis City Council Resolution No. 16-175 adopted on December 20, 2016, and completion of the five requested actions specified in Yolo County Board of Supervisors Resolution No. 17-78, adopted on June 6, 2017. Not accepted.

Motion passed by the following vote:

AYES: Boschken, Essex, Hofmann, Mikesell, Robertson, Rowe, Streeter

NOES: None

ABSENT: Rutherford

**6. Commission and Staff Communications**

**A. Chair/Vice Chair Appointments**

Postpone to next meeting.

**B. Davis Downtown Liaison Update**

None.

**C. Upcoming Meeting Dates**

A. Feeney: The next Planning Commission meeting is tentatively scheduled to be held on Wednesday, February 14, 2018.

**7. Adjournment.**

Meeting adjourned at 11:26p.m.