



**Planning Commission Minutes
Community Chambers
Wednesday, June 6, 2012, 7:00 p.m.**

Commissioners Present: Mark Braly, Lucas Frerichs (Chairperson); Ananya Choudhuri; Marilee Hanson; Rob Hofmann (Vice-Chair); Herman Boschken, (Alternate); Paul Philley, Terry Whittier

Commissioners Absent: None

Staff Present: Ken Hiatt, Community & Sustainability Director; Ike Njoku, Planner; Eric Lee, Assistant Planner; Lynanne Mehlhaff, Planning Technician

1. Call to Order

Chairperson Frerichs called the meeting to order at 7:03 p.m.

2. Approval of Agenda

Commissioner Braly moved approval and Vice-Chairperson Hofmann seconded the motion. The motion passed by consensus.

3. Staff and Commissioner Comments (No action).

Commissioner Philley announced that tonight was the community open house on "Transportation Needs" at the Senior Center and would like community input on addressing those needs.

Commissioner Braly said next Thursday, June 14th will be a workshop on Community Choice Aggregation which is co-sponsored by the Natural Resources Commission, Valley Climate Action Center and the Cool Davis Foundation.

Ken Hiatt, Community Development & Sustainability Department Director, introduced Melody Eldridge, Intern in the department who is working on a variety of projects such as General Plan policies for sustainability.

4. Public Communications

There were no public communications.

5. Consent Items

A. Planning Commission Minutes of May 23, 2012

The minutes were not available at this time.

6. Public Hearings

A. PA #12-05, FEIR #1-12, CUP #2-12, Final Planned Development #1-12 & Design Review #3-12 for proposed Demolition & Replacement at 336 C Street, Phi Delt Alumni Association; (*Ike Njoku, Planner & Historical Resources Manager*)

Public Hearing to consider approval approval of a project that would demolish the existing fraternity building and outbuilding and replace the buildings with a two-story building, a small trash/recycling structure, and a seven-car open parking lot. Approximately 26 on-site bicycle parking spaces, new fencing and landscaping would be provided as part of the proposed project. The new building would have seven fewer beds than the existing 26-bed building.

Ike Njoku, Planner, presented the staff report.

Chairperson Frerichs opened the public hearing.

Jeff Marschner, Construction Chairman of the Phi Delt Alumni Association, answered questions from Commissioners.

Chairperson Frerichs closed the public hearing.

Action: Commissioner Choudhuri recommended approval of the Resolution adopting the CEQA Findings of Facts and Certifying the Final Environmental Impact Report and approve the project CUP #2-12, Design Review #3-12 and Final Planned Development #1-12. Commissioner Braly seconded the motion. Commissioner Philley asked to amend Condition #45 to state the existing driveway to be abandoned is on C Street. Commissioners Choudhuri and Braly agreed. Chairperson Frerichs supported the project but pointed out that this site would be a great site for infill housing instead of a fraternity and the Commission/staff should be cognizant of this in the future for other potential unique sites. Commissioner Hanson applauded the applicants for providing needed housing for 19 students in the downtown area at an affordable rate.

AYES: Philley, Whittier, Braly, Hanson, Choudhuri, Hofmann, Frerichs
The motion carried unanimously 7 to 0.

B. PA #11-33, Demolition #02-11, Design Review #06-11, Final Planned Development #01-11, Rezone #01-11, EIR #02-11 for proposed Demolition & Replacement at 337 D Street, the Pena House; (Eric Lee, Planner)

Public Hearing to consider the demolition of the existing single-family house (Pena House) and detached garage on the property and construct a new three-story apartment building approximately 9,260 square feet in size on an existing lot in downtown Davis. The new building would consist of: a first floor with garage and storage area accommodating four parking spaces, common areas, elevator, stairs and a ground-floor live-work space; a second floor with two apartment units, decks, and foyer; a third floor with two apartment units, decks, and foyer; and a roof top with service and roof deck. The project includes landscaping, outdoor patio and other site improvements.

Eric Lee, Assistant Planner, presented the staff report.

Chairperson Frerichs opened the public hearing.

Mary Lee Thompson, exhibit coordinator at the Hattie Weber Museum, said she was there to mourn the loss of the Pena House. She said the Pena House dates back to 1890 or earlier and she would have liked to have seen it moved behind the Hattie Weber Museum and used as a house museum for people to see how ordinary people used to live in Davisville.

Dick Bourne, one of four couples who want to live in this project, said they would be glad to move the Pena House over to the Hattie Weber Museum area or anywhere else but no one has requested it. He said that he and 3 other couples want to live in the downtown in the proposed project so they can walk and enjoy the downtown. He explained how they are making the building a net 0 energy use project. This will be a lead platinum building.

Giovanna Oettinger, owner next door on D Street, said how she had to follow all these requirements by the City in order to build her house originally. With this proposed project, there are 24 windows on the south side looking in to her property. She strongly requested that her request for privacy be granted by requiring opaque windows on the south side of the project.

Carol Holmes, Realtor of Lyon Real Estate, said that Giovanna has told her for years that she planned to live downtown in her house.

Chairperson Frerichs closed the public hearing.

Commissioner comments (but not necessarily with consensus):

- Can not see how the finding of consistency of core retail with office designation in the Core Area Specific Plan could be made for this project. That designation is a non-residential designation or a very small residential component and this is a residential project which doesn't fit.
- Thought a 4-story building instead of 3 stories would be suitable in this location especially since there is an elevator.
- Concerns about the windows on the south side with impacts to the neighbor's privacy.
- Liked this project because of the zero net energy and also liked that the project is developed by its owners to be occupied and supports more residential density downtown.
- Understood the neighbor's concerns of privacy yet this was an urban area and the south side of the project is important for the design of a passive solar energy building.

Action: Commissioner Braly moved approval of the project as proposed and recommended certification to the City Council of the Final Environmental Impact Report, approval of the Zoning Amendment to rezone the project site from Mixed Use to PD #01-11 and approval of the proposed Demolition, Design Review and Final Planned Development. Chairperson Frerichs seconded the motion. Vice-Chair Hofmann said he was not against the project but couldn't make the findings that an apartment project with one live/work unit was a retail/office use in a mixed use area. He felt this project was being shoe-horned in when it was an intensive use in this location. Commissioner Whittier was against this being a Planned Development and not meeting the zoning standards. He said this wasn't a dedicated senior housing complex so in the future it could be sold to anyone else. He didn't agree with the parking design and therefore he couldn't support the project given all these reasons. Commissioner Choudhuri said the project does not meet all the Design Guidelines and therefore Conditions of Approval #14.

Vice-Chair Hofmann made an alternate motion to deny the project based on the project's failure to comply with the overriding planning documents and failure to meet the project objectives in the CEQA analysis. Commissioner Whittier seconded the motion. Vice-Chair Hofmann stated that Finding #1 does not meet the objectives and Finding #4 doesn't meet being a mixed-use senior apartment complex. It doesn't comply with Finding #8, Architectural design, with the overriding planning documents.

Commissioner Choudhuri said the project would need to meet most of the project objectives to meet CEQA; it doesn't meet three of the objectives. The project is great, it is infill but it doesn't meet all the objectives and therefore can not make the findings. It doesn't meet the finding that it is called senior housing when it is not classified as senior housing and is not age restricted. The project also is not compatible with all the neighboring parcels and uses.

Commissioner Philley said he felt the project provided an opportunity for senior housing due to the elevators and the ownership style but it didn't totally meet the Core Area Specific Plan either.

Chairperson Frerichs said this was an excellent project; the designation of core retail/office should be changed. He suggested the Commission should recommend to City Council to look at

all these definitions in the Core Area Specific Plan and update them. There is a need to adjust some of the definitions. The project is being shoehorned in with the definition but there is enough flexibility in the definition to allow for it. He felt the project meets the majority of the project objectives as outlined in the CEQA document.

Commissioner Braly said the City has hobbled themselves with so many competing rules, guidelines and objectives that when a good project comes along, we can't consider it for what it is, a project that advances the primary goals for Davis.

Commissioner Choudhuri said as a friendly amendment she wanted added to whatever motion passes, to ask the City Council for the definitions to be updated and defined better.

Commissioner Hanson said this whole argument about senior housing should be taken away since there is no deed restriction that seniors are required.

The motion to recommend denial of the project was voted on as follows:

AYES: Whittier, Hofmann, Choudhuri

NOES: Philley, Braly, Frerichs

Abstain: Hanson

The motion failed 3-3-1.

Commissioner Hanson retracted her motion and restated her vote to "yes" in support of the motion of denial.

Staff and Commissioners agreed to allow the motion of denial to now pass 4 to 3 as follows:

AYES: Whittier, Hofmann, Choudhuri, Hanson

NOES: Philley, Braly, Frerichs

The motion passed 4-3.

Chairperson Frerichs said the friendly amendment made earlier is a recommendation to the City Council that staff and/or the Planning Commission look at all the definitions in the Core Area Specific Plan and update them as necessary. Vice-Chair Hofmann said there should be even some long range planning of City goals with the downtown since there are competing goals and those should be balanced in the future.

Commissioner Philley moved to recommend that the City Council direct staff to look at the Core Area Specific Plan through a public process so that conflicting goals in light of additional changes or amendments to the General Plan as they come forward are resolved. Vice-Chair Hofmann seconded the motion.

Staff pointed out that competing policies, guidelines, visions and standards continues to come up. Staff suggested that both staff and the Commission should more importantly dig in to these issues on the Workplan and prioritize where these conflict points and barriers are and address them.

Commissioner Hanson supported the motion but pointed out that the objectives in the CEQA document were chosen by the project applicant and the objective that this project was senior

housing has no evidence as such. The documents need to be clear and accurate and the problems here were not just with the Core Area Specific Plan.

AYES: Philley, Whittier, Braly, Hanson, Choudhuri, Hofmann, Frerichs
The motion carried 7-0 unanimously.

7. Business Items

There were no business items.

8. Informational Items

A. Planning Commission Schedule

Since there were no items for the June 27th Planning Commission meeting, there will be no meeting as scheduled. Commissioner Philley suggested that any of the workplan groups or subcommittees could meet that evening. Commissioners said whatever groups want to meet that evening could make arrangements.

9. Staff and Commissioner Comments (continued).

Commissioners thanked Chairperson Frerichs for serving on the Planning Commission.

10. Public Communications (continued).

There were no public communications.

11. Adjournment to the next Planning Commission meeting to be held on Wednesday, July 11, 2012 in the Community Chambers (23 Russell Boulevard) and 7:00 p.m.

Commissioner Choudhuri moved to adjourn the meeting with Commissioner Philley seconding the motion. The meeting was adjourned at approximately 9:56 p.m.