

**Planning Commission Minutes
Community Chambers
Wednesday, May 13, 2009, 7:00 p.m.**

Commissioners Present: Mark Braly, Greg Clumpner, Lucas Frerichs, Kris Kordana, Terry Whittier

Commissioners Absent: Rob Hofmann, Mike Levy, Ananya Choudhuri

Staff Present: Katherine Hess, Community Development Director; Mike Webb, Principal Planner; Danielle Foster, Housing & Human Services Superintendent; Eric Lee, Assistant Planner; Lynanne Mehlhaff, Planning Technician

1. Call to Order

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

2. Approval of Agenda

The agenda was approved by consensus.

3. Staff and Commissioner Comments (No action).

Will Marshall, Assistant City Engineer, introduced Jennifer Border, a new Associate Engineer, who has a main role in the development review process.

4. Public Communications

There were no public communications.

5. Consent Items

- A. **Planning Commission Minutes of March 25, 2009**
- B. **Planning Commission Minutes of April 29, 2009**
- C. **Summary Vacation of Drainage & Public utility Easements on the Sutter Davis Hospital property; (*Eric Lee, Assistant, Planner*)**
Recommendation:

1. *Find the vacation consistent with the General Plan.*
- D. Summary Vacation of Public Utility Easements along Faraday Avenue; (Eric Lee, Assistant Planner)**

Recommendation:

1. *Find the vacation consistent with the General Plan.*

Action: Commissioner Whittier moved approval of all the consent items, the minutes and the vacation easements. Vice-Chairperson Braly seconded the motion.

AYES: Whittier, Braly, Kordana, Frerichs, Clumpner
The motion passed unanimously 5 to 0.

6. Public Hearings

- A. PA #42-08, Willowbank Park Subdivision No. 4955, General Plan Amendment #1-08, Preliminary Planned development #2-08, Tentative Map #7-08, Affordable Housing Plan #2-08, development Agreement #6-08, Negative Declaration #5-08; (Xzandrea Fowler, Planner)**

Public Hearing to consider approval of a 29 unit single family residential subdivision on the vacant 4.48 acre site located on Mace Boulevard between San Marino Drive and Redbud Drive. The proposed density is medium, and six lots are proposed as low-income “for-sale” units. The proposed homes range in size from approximately 1,200 square feet to 2,650 square feet. The proposal includes a pedestrian walking path along the north property edge, adjacent to Putah Creek.

Chairperson Clumpner opened the Public Hearing and continued it to May 27, 2009.

- B. PA #48-08, 705 Bianco Court, Revised Final Planned Development #02-08, Minor Modification #04-08; (Eric Lee, Assistant Planner)**

Public Hearing to consider a Revised Final Planned Development to PD #9-76 to reduce the side yard street setback from 15 feet to 10 feet for the subject property. The reduction is being requested in order to accommodate a one-story addition consisting of 294 square-foot third bedroom, a 72 square-foot loft, and a 45 square-foot storage area to an existing one-story house. The project also includes a Minor Modification to exceed the allowable lot coverage of 40% by approximately 0.5% or about 30 square feet.

Eric Lee, Assistant Planner, presented the staff report.

Chairperson Clumpner opened the public hearing.

Mr. Smith, owner, answered questions about the access to the loft.

Chairperson Clumpner closed the public hearing.

Action: Commissioner Whittier moved approval of the project. Commissioner Kordana seconded the motion.

AYES: Whittier, Braly, Kordana, Frerichs, Clumpner
The motion passed unanimously 5 to 0.

C. Middle Income Housing Requirement;

(Danielle Foster, Housing & Human Services Superintendent)

Public Hearing to consider recommending that the City Council approve of a temporary reduction in the middle-income requirements for projects exceeding the specified net density of 10 dwelling units per acre. In 2005, the City Council adopted the middle income policy and ordinance to ensure adequately priced housing options for members of the local workforce.

Danielle Foster, Housing & Human Services Superintendent, presented the supplemental staff report.

Mike Webb, Principal Planner, explained additional information and answered questions from the Commissioners.

Commissioner comments/questions:

- Question is why don't you recommend getting rid of the middle income requirement all together rather than being reactive and suspend it for two years?
- Is the Middle Income Ordinance really worth it now after 4 years? Concerned that the middle income ordinance has stagnated the market.
- Asked if this middle income ordinance could be temporarily suspended indefinitely rather than do away with the ordinance completely.
- The Planning Commission could move this forward to the City Council as-is with all of the Planning Commissioner comments.
- Suspension of the ordinance sounds like a reasonable option and the City should keep the Green Building and Green house Gas ordinances.

Chairperson Clumpner continued the public hearing from the April 29, 2009 meeting.

Don Fouts, developer, said it had taken 2.5 years for the Chiles Ranch project to finally be coming before the Planning Commission with a tentative map in two weeks. The two year sunset clause really wasn't long enough. He stated he could demonstrate that there is a supply of houses that will meet the middle income need without having an ordinance. He said market forces will dictate what we will sell the property for in Chiles Ranch, no matter how many build it green points or other requirements we put into it.

Mark Rutheiser said if the Middle Income Ordinance is taken away it will make developments more feasible. This is a huge list of requirements. He suggested that if we get to another market condition in the future, then the Middle Income ordinance could be revived. He was concerned that projects approved currently will be stuck in the queue due to this ordinance along with the other requirements.

Bill Streng, local developer, complimented the staff on the report. The basic problem is if houses can't be built due to infeasibility and the County has approved 750 homes in Dunnigan with shopping, then people could drive to Davis from there and there goes the middle income housing. This would be counter effective for green house gases etc. This is why we should prioritize the fees because the totality of all the fees is more than we can afford.

Dave Taormino, developer of Willowbank Park, said it was very important that the middle income housing ordinance be removed or suspended for a long period of time. Financing right now is extraordinarily difficult to get; lending criteria is being over scrutinized right now. Two years ago, the fees for Parque Santiago were \$33,000 and for Willowbank Park they are now \$58,000 per house.

Jason Taormino introduced himself as the one who wrote the Willowbank Park letter to the Commission with the fee list. He said the Middle Income Ordinance added too much uncertainty for developers.

Matt Williams, of El Macero, said Davis is a unique community and the demand for housing here isn't just local but it is regional. People come back to Davis after going to UC Davis. He said if you remove the appreciation cap off of the affordables, then the houses will go up in price. He said we have an over abundance of large houses now and he would like to see smaller houses built. We have an obligation to our community.

Chairperson Clumpner closed the public hearing.

Additional Commissioner comments (not necessarily consensus):

-- This is a reactive ordinance. The City appears to be trying to time the market and the market is out of our control. There could be unintended consequences. Favored eliminating it but could compromise and suspend the ordinance until it is brought back at a later time.

-- Has heard that estimates/bids from contractors are coming in 30-40% less in this current economy. Contractors out there are bidding lower in order to not lay people off and keep their business going. Preferred a temporary suspension of the ordinance for now.

Action: Vice-Chairperson Braly wasn't persuaded that we need to keep the quota for the Middle Income Ordinance and recommended to City Council to suspend the middle income ordinance entirely with no set reactivation date. Commissioner Kordana clarified that the ordinance only be re-visited if Council brought it up again and seconded the motion. Staff asked if the motion included the recommendation on the net density of ten or more units per acre? Vice-Chairperson Braly and Commissioner Kordana agreed that the motion was for a suspension of the ordinance irrespective of the density in a project.

AYES: Whittier, Braly, Kordana, Frerichs, Clumpner
The motion passed 5 to 0.

Commissioner Frerichs brought up that we need a comprehensive examination of all exactions on new housing to determine if updates or changes are needed. Staff said Council has directed staff to do some analysis on all exactions and costs to bring back to them and would keep the Commission informed.

Commissioner Frerichs said if a report goes back to the Council, there could be a different format of showing the fees required by the City whether by statute or ordinance versus the County, State etc. etc...

Commissioner Whittier said he wouldn't like to see compromises on the quality for homes to make it more affordable.

Chairperson Clumpner said people just can't get financing like they did in the past so people won't be building large houses like they used to.

7. Business Items

There were no business items.

8. Informational Items

A. Planning Commission Schedule

Mike Webb, Principal Planner, explained the upcoming meeting schedule.

Commissioner Frerichs asked that one of the items on the May 27th meeting schedule be moved to June 24th. Staff will take a look at that.

9. Staff and Commissioner Comments (continued).

There were no other comments.

10. Public Communications (continued).

There were no public communications.

11. Adjournment to the next regular Planning Commission meeting to be held on Wednesday, May 27, 2009 in the Community Chambers (23 Russell Boulevard).

The meeting was adjourned at approximately 8:36 p.m.