

**Planning Commission Minutes
Community Chambers
Wednesday, May 27, 2009, 7:00 p.m.**

Commissioners Present: Mark Braly, Greg Clumpner, Lucas Frerichs, Kris Kordana, Terry Whittier, Rob Hofmann, Mike Levy, Ananya Choudhuri

Staff Present: Mike Webb, Principal Planner; Eric Lee, Assistant Planner; Cathy Camacho, Planner; Julie Vyfhuis, Office Assistant

1. Call to Order

Chairperson Clumpner called the meeting to order at 7:04 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Staff and Commissioner Comments (No action).

Mike Webb, Principal Planner, updated the Planning Commission on a meeting that City Council had recently in which they reviewed the Middle Income Housing requirements of the General Plan and took recommendations of Staff, Social Services Commission, Planning Commission, and public comments into consideration for the final decision process. The Council suspended the Middle Income Requirements with no density restrictions which was fairly consistent with Planning Commission's recommendation.

Chairperson Clumpner announced that he will be stepping down from his position due to medical reasons and recommended Commissioner Kordana for Vice-Chairperson at which time Commissioner Braly will step into the Chairperson role. Principal Planner, Mike Webb stated that an election process should be required and suggested that for any discussion on this type of item that many Commissioners should be present as possible. The election item will be agendaized for an upcoming meeting.

4. Public Communications

There were no public communications.

5. Consent Items

A. Planning Commission Minutes of May 13, 2009

Commissioner Whittier cited a few typographical errors in the minutes.

Action: Chairperson Clumpner moved approval of the consent item with the corrections. Commissioner Kordana seconded the motion.

AYES: Whittier, Braly, Kordana, Clumpner, Hofmann

Noes: none

Abstained: Levy, Choudhuri, Frerichs

The motion passed 5-0-2.

6. Public Hearings

- A. PA #44-08, Wildhorse Golf Course Clubhouse at 2323 Rockwell Drive. Conditional Use Permit #07-08; (Eric Lee, Assistant Planner)**
Public Hearing to consider approval of a Conditional Use Permit to renew and modify a previously approved CUP for the Wildhorse Golf Course located at 2323 Rockwell Drive allowing use of the clubhouse for special events. The existing CUP was included conditions of approval addressing neighborhood concerns about intensification of uses on the site. The conditions limited the frequency, number and hours of the events and also established a March 2009 expiration date on the CUP.

Recommendation:

1. Hold a Public Hearing; and
2. Determine that the proposed project is categorically exempt from further environmental review; and
3. Approve the project (PA #44-08) for Conditional use Permit #07-08 to renew and modify the previously approved Wildhorse Golf Course Clubhouse CUP #06-06, based on the findings and subject to the conditions contained in the staff report.

Commissioner Whittier recused himself due to a conflict of interest; personal residence within 500 feet.

Eric Lee, Assistant Planner, presented the staff report.

Mike Webb, Principal Planner, remarked that Staff was pleased that the applicants, their representatives, and residents have come to a consensus, and that the applicant has taken proactive efforts to address some recent issues that were raised by residents.

A short discussion between Commissioners and Staff followed in which Commissioners Levy, Kordana and Hofmann voiced their concerns that the Planning Commission would continue to have Public Hearings over the CUP every 15-18 months. Commissioner Levy suggested that staff consider Commissioners and staff time and stakeholders time and money by sending full notices out to the public of a status report, with the intent that if no public comments were received to automatically extend the CUP for the current proposal term. Staff explained that there were several options the Commission could look at.

Chairperson Clumpner opened the public hearing.

Charlie Gibson, part of the management of Wildhorse Golf Course expressed his gratitude to Staff and residents in finding a compromise and hopes to keep the ongoing dialog between everyone open to maintain a smooth running Golf Course, especially to help generate more revenue during this tough financial time.

Enrique Manzanilla, a neighboring resident, gave his support to the Wildhorse Golf Course CUP permit proposal renewal and stated that he and the residents near the Wildhorse Golf Course support the proposal and that an approval will help support the long term economic viability of the Wildhorse Golf Course. He did not have an issue with the automatic renewal process, and asked that the Commission vote to adopt the proposal as presented.

Chairperson Clumpner closed the public hearing.

After further discussion, Staff suggested requiring a CUP application in 15 months per staff recommendation, particularly given that the applicant and neighbors were in agreement on that process. Staff and the Commission expressed interest in eliminating future sunset dates after this.

Action: Vice-Chairperson Braly moved to approve the Conditional Use Permit requiring a status update to the Planning Commission after 15 months and a permit expiration date of 18 months to renew the CUP. Chairperson Clumpner seconded the motion.

AYES: Braly, Clumpner, Frerichs, Kordana, Hofmann, Levy

The motion passed unanimously 6 to 0.

Commissioner Whittier returned to the meeting at this time.

- B. PA #55-07: Chiles Ranch Subdivision, General Plan Amendment, Rezone/Preliminary Planned Development, Tentative Subdivision Map; Final Planned Development, Affordable Housing Plan, Design Review, Mitigated Negative Declaration; (Cathy Camacho, Planner)**

Public Hearing to consider a General Plan Amendment to change the land use designation on three parcels located south of Regis Drive, west of Mesquite Drive, east of the Davis Cemetery, and north of East Eighth Street from “Residential Low-Density” to “Residential Medium-Density” to accommodate a proposed 108 unit residential infill development called Chiles Ranch. The proposal would also require a Preliminary Planned Development/Rezone of the subject site from a mix of R-2 and Agriculture uses to a residential Planned Development to allow for flexibility from R-1 zoning; and Final Planned Development to establish development standards. The dwellings would be a mix of single family homes and for-sale affordable income condominium units. The proposed subdivision would result in a medium density development of 9.47 units per gross acre.

Recommendation:

1. Hold a Public Hearing; and
2. Determine that Mitigated Negative Declaration #1-08 prepared for this project adequately addresses the environmental impacts associated with the proposed project.
3. Adopt the attached Resolution Amending the General Plan Land Use Map designation of the subject site (APN# 71-020-15; 71-401-02; 71-401-03) from “Residential Low-Density” to “Residential Medium-Density.”
4. Adopt the attached Ordinance that establishes the Development Agreement between the City of Davis and the Developer.
5. Adopt the attached Rezone/Preliminary Planned Development Ordinance changing the zoning designation of the subject site parcels from Agriculture (A) and Residential One and Two Family (R-2) to Planned Development #8-07, with underlying residential single family residential uses.
6. Approve the following entitlement applications, based on the findings and conditions for each application attached to this report:
 - A. Tentative Subdivision Map to merge the three parcels into a single lot and re-subdivide the merged parcel for creation of a residential subdivision, including city greenbelt parcels; public streets; and private drives and common open space.
 - B. Final Planned Development to establish development standards for the lots, including building setbacks,

- building heights, lot coverage, floor area ratio, parking, and usable open space.
- C. Affordable Housing Plan to govern the affordable housing component of the development
- D. Design Review for site plan and architectural review of proposed building elevations.

Cathy Camacho, Planner, presented the staff report.

Chairperson Clumpner opened the public hearing.

Don Fouts, applicant/developer/general partner, said that the Chiles Ranch project had come a long way since the last time it came before the Planning Commission 19 months ago. He believed the best plan was here before the Commission tonight. He said that the guiding principles recommended are incorporated in the plan presented. He thought the interaction between the neighbors and Sunrise Neighborhood Association Board was always respectful and benefited from a positive result from constructive inputs from the group. In short, working with the neighbors made this a better project. He pointed out a few issues which have yet to be resolved and are stated in the conditions of approval. One issue was in the development agreement on item 4, page 17 that refers to the \$3000 supplemental residential fee and wanted to clarify that it was in item 1 on page 9 for issuance of building permits.

Mr. Fouts highlighted a few more points about the project and stated that the developers didn't necessarily agree with the City's acceptance of the public green belt areas, specifically lot N. He thanked the members of Sunrise Neighborhood Association for their positive involvement and roles in the development of the project. He believed the Chiles Ranch project was a great example of a collaborative effort that can yield positive results and a model of density done right.

Stephen Hall, architect and Vice Chairperson of the Sunrise Neighborhood Association said City Council directed the Sunrise Neighborhood Association to work with the developers and come up with a plan. He said when they first started out with the SACOG process, no one was happy and they didn't find common ground but worked well together to negotiate a very cohesive and realistic plan and thus a letter of agreement was signed by all parties. It was a surprise when the City staff sent out the new designs and concept plans and asked for additional items already discussed and resolved. It was the associations' premise that the negotiation ended at the signed agreement. The new designs and concept plans now being addressed bring up concerns of construction noise and parking issues. Mr. Hall said the residents are especially concerned about the additional units/ density proposed. They disagreed with the number of units proposed, and particularly the 10/11 auxiliary units, and think the site can only accommodate the 107 first projected and not the 108 now expected. He said the decision to accept this additional medium high density will affect the current and future neighbors. Instead of dismissing the SNA concerns he asked that Planning Commission take a little more time addressing these concerns. They don't want an HOA maintained park and the 3 ft, 3 inches of space and side yard. Why not put that space somewhere else in the project, perhaps in the driveways? The Sunrise Neighborhood Association would like the Planning Commission to look at accepting the greenbelt at Lot N and propose a bond to ensure a guarantee that the bike path be built. While the

Commission revisits these concerns, they also hope to take the signed September 2008 agreement before the City Council again. Finally, Mr. Hahl thanked the developers Don Fouts and Steve Sherman and stated that the SNA felt very strongly that while they respect Building and Planning Department and the process, asked that they be respected for the amount of time and expertise given towards this project.

Mark Rutheiser with Cunningham Engineering stated that he had spent a lot of time assisting the developers of this project. He asked that the Planning Commission consider the accumulation of fees for this 4.2 million dollar project i.e. exaction fees, policy fees, and how it impacts the feasibility of residential developments which necessitated a lot of city requirements.

Craig Mohar, a Davis resident, had concerns regarding the number of proposed units and how it would affect the limited number of combined tandem parking spaces of 30-33 % on the property and on street parking of 70%. This would only exacerbate the parking issue and make it a critical concern for neighborhood residents. He asked that the Planning Commission look at other parking options for the project, especially if the additional units are considered.

Gail Jankowski, a resident of Regis Drive, stated her concern for the proposed parking and asked that the Commission consider alternative parking options on the north side. She asked that the Planning Commission also look at other options in regards to the city's acceptance of Lot N, and the 3 ft 3 inches of side yard proposed and how it would affect the residents in terms of privacy issues. Ms. Jankowski requested the Commission take into consideration the negotiated signed agreement between the developers and the SNA.

Steve Sherman, managing partner of New Urban Development, thanked Staff especially Planner Camacho for the incredible amount of work she had put into this project. He said the project will go 35% over Title 24 and will likely exceed over 100 points, especially since they are already looking at 70 points. He pointed out that page 6 of the agreement with SNA clearly states that they could make refinements to the project plan which is open to discussion with SNA, but specifically in terms of the eastern greenbelt and ADU concerns. He mentioned that page 5 indicates that any/all public agencies could also make changes to the agreement.

Chairperson Clumpner closed the public hearing.

General comments from the Commission were as follows (not necessarily consensus):

- The development agreement relating to the affordable aspect in terms of per market rate unit sale price, housing appreciation fee caps, and Quimby fees.
- Traffic concerns on the two access points off E 8th Street and parking accommodations within the property.
- Impact concerns correlating with mitigation measures and conditions of approval.
- The northern buffer IOD (Irrevocable Offer of Dedication) greenbelt/easement negotiations with the cemetery and the impact of the applicant's city park in lieu fees, plus what would the City apply these fees towards?

- How would the IOD affect the marketability of the units and HOA fees if it goes forward?
- Possibly considering zero lot lines or adding conditions to the 3 ft 3 inches of side yard proposed in Concept A and making it the responsibility of the CC&Rs and/or HOA to write regulations to enforce code violations and parking accessibility.
- Potential 21/22 ADU units and where they will be laid out throughout the project.
- The pros and cons of accepting the SNA's original concept/exhibit A agreement versus the City's proposed Concept A.
- Is it possible to move the location of the barn to facilitate a greenbelt bike path?

1st Action: Commissioner Kordana moved approval of Staff's recommendation of the project and strongly encouraged the City to look at accepting the Lot N property with Concept A with the maximum 21 ADUs as the preference, with the option of having the City and traffic consultant to work out the bike path reconfiguration and maintenance. The Commission also requested that Staff include a table summary of the total fee breakdown for Council and incorporate a condition to prevent structures and debris visible along the eastern side of the project. Vice-Chairperson Braly seconded the motion.

AYES: Braly, Clumpner, Frerichs, Kordana, Hofmann, Levy,

NOES: Whittier

The motion passed 6 to 1.

2nd Action: Commissioner Levy added an amendment to have the fence line adjusted and the project incorporate a provision set for CC&R's and HOA's to enforce the parking in garage requirement. Commissioner Frerichs seconded the motion.

AYES: Braly, Frerichs, Whittier, Levy

NOES: Clumpner, Kordana

Abstained: Hofmann

The motion passed 4-2-1.

7. Business Items

A. CIP Consistency; (*Bob Clarke, City Engineer*)

Mike Webb, Principal Planner, explained that this item was rescheduled for the next meeting.

8. Informational Items

A. Planning Commission Schedule

Mike Webb, Principal Planner, explained that the next meeting's primary item on the agenda was to receive comments on the Wildhorse Ranch Draft EIR

Commissioners Frerichs and Clumpner indicated their absence at the next Planning Commission meeting.

9. Staff and Commissioner Comments (continued).

There were no other Staff or Commissioner comments.

10. Public Communications (continued).

There were no public communications.

11. Adjournment to the next regular Planning Commission meeting to be held on Wednesday, June 3, 2009 in the Community Chambers (23 Russell Boulevard).

The meeting was adjourned at approximately 12:06 p.m.