

**Planning Commission Minutes
Community Chambers
Wednesday, July 8, 2009, 7:00 p.m.**

Commissioners Present: Mark Braly, Ananya Choudhuri, Greg Clumpner, Terry Whittier

Commissioners Absent: Lucas Frerichs, Rob Hofmann, Kris Kordana, Mike Levy

Staff Present: Katherine Hess, Community Development Director; Mike Webb, Principal Planner; Ike Njoku, Planner; Lynanne Mehlhaff, Planning Technician

1. Call to Order

Chairperson Braly called the meeting to order at 7:02 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Staff and Commissioner Comments (No action).

There were no comments.

4. Public Communications

Mike Harrington, Davis resident, said he strongly supported projects that had a 90% reduction in greenhouse gases. He asked the Commission to pay close attention to the wording of the 90% reduction in order to make sure that it is locked down tight. Also, in order to pass the Measure J vote, people will be looking at how well it is worded.

5. Public Hearings

**A. PA #52-08: Appeal #4-08, located at 2532 Oakenshield Road;
(Michael Webb, Principal Planner)**

In November 2008 a code enforcement request for investigation was filed with the City Community Development Department requesting that the

City investigate whether or not an eight foot tall courtyard wall that was constructed at the side property line of 2532 Oakenshield Road is in compliance with the provision of the City Zoning Ordinance. After investigation, the City Community Development Department staff determined that the wall in question does not violate the City Municipal Code or Zoning Ordinance. This determination is being appealed to the City Planning Commission pursuant to Section 40.35.030(5) and Section 40.35.040 of the Davis Municipal Code.

Chairperson Braly opened the Public Hearing and continued it to August 26, 2009.

B. PA #44-05: Wildhorse Ranch, General Plan Amendment #4-05, Rezoning and Preliminary Planned Development #4-05, Affordable Housing Plan #2-05, development Agreement and Environmental Impact Report (EIR), located at 3003-3075 East Covell Boulevard at the intersection of Covell Boulevard and Monarch Lane; (Ike Njoku, Planner)

Public Hearing to consider a proposed project which is part of the Wildhorse Planned Development #3-89 zoning, which designated the site as a horse ranch. The project site, approximately 25.8 acres, was included in the 1994 Wildhorse EIR, which analyzed the subject site as a horse ranch. The current proposal is to subdivide the property for the purpose of developing up to 191 dwelling units; 73 detached single-family units, 78 two and three-story attached single-family town home or condo units, and 40-unit apartment complex, which includes 38 affordable rental units.

Ike Njoku, Planner, presented the staff report.

Chairperson Braly opened the public hearing.

Masud Monfared, Managing Principal of Parlin Development, gave a history of the proposed project. He explained how he had worked with the neighbors at neighborhood meetings but couldn't get agreement on the 191 units. He introduced his development team.

Mark Day, Dahlin Group Architecture and Planning, presented a slide show presentation of the proposed development.

Dean Newberry and David Galbraith, of Talbott Solar & Radiant Homes Inc., described the photovoltaic and proposed passive solar systems on the homes.

Phil Wyels, Chairman of the Wildhorse East Neighborhood Association, said in general the Association preferred that the Horse Ranch remain a Horse Ranch and it not be developed. He

said it was true that it was underused, however that was due to the owner who was a developer. If the horse ranch was developed they would like the density reduced from 191 units to approximately 150 units. The market-rate townhomes should be reduced from three-stories to two-stories and re-configure the main entrance street so that it is further away from the backyard fences of the existing homes on the southern end of Caravaggio Drive. This would make it a more sustainable and compatible community and avoid putting so many residents on the periphery of the City and far from neighboring services. They continue to have concerns over the number of units, the height of the units and the number of parking spaces and oppose the project. They have questions about the enforceability of the proposed GHG reductions proposed in the project. They also questioned the enforceability of the 20 foot land dedication site which was adjacent to neighboring shallow backyards. Parlin had changed their minds again and just yesterday in a letter restored the land dedication again. They would like the City to address this.

Al Lin, resident of the Wildhorse neighborhood, was opposed to the development fundamentally due to the density of the project. He said it was inconsistent with the neighboring development and it was not a true infill project. It was too far from schools, jobs and other services. One of the great problems of the proposal was the lack of parking; parking will spill over to neighboring streets such as Caravaggio Drive. It was unrealistic that people will park their cars in their garages with no driveways available. The streets are narrower and can't be parked upon. The EIR didn't address the spill over parking and the Final EIR didn't analyze the concerns of spill over parking. There will be visual impacts due to the three-story structures and was inconsistent with neighboring properties. They would like to require mandatory dust control and working hours on weekdays only. They would like the orchard put in first before the construction. He said the claim to meet 90% GHG reduction must be examined closely. They had grave concerns about the enforceability of this promise of the 90% GHG reduction. The mitigation measures do not require this reduction to be carried out; so it could give Parlin a way out from this promise. He requested the Commission not approve the proposal as it stands.

John Tallman, Project Manager for Parlin Wildhorse Development, explained the 90% GHG reduction number was from the City's recently adopted estimated greenhouse gas production of 5.5 metric tons per home. They are taking 90% of that number or a 4.95% metric ton reduction to 0.55.

Susan Monheit, resident of Wildhorse, said this site was not the right site to be developed because this was unpaved ag land that should be preserved. There are already paved fill-in areas that have sewer hook-ups and are closer to services that should be developed. There are at least two endangered species existing here, the Swainson's Hawk and the Burrowing Owl, for which mitigation was not possible as shown by studies by the Department of Fish and Game. A major concern was the inadequacy of the waste water treatment system in Davis as a whole; this would exacerbate the problem. Also the potable water system was a problem. She had heard the developer would donate money for half of a policeman but who was paying for the other half.

This would be an ongoing cost to the City. This wasn't an appropriate place for a three-story development and would irreversibly change the character of Davis.

Greg Sokolov, resident of Wildhorse, agreed with the Wildhorse Neighborhood Association to oppose the project. We would be losing prime ag land and supported the Horse Ranch. He was concerned with fire potential of three-story buildings.

Jack Chapman, resident of Wildhorse, said with respect to the EIR; five unavoidable impacts were listed with no resolution to these items. The five items were prime ag land loss, altered visual characteristics which were probably the impacts from three-story units, obstruction of views, fire protection service, and climate change impacts. The height of three-stories should be dropped to two-story and thus the unit density would drop to close to 150 units. The proposed height and density would be not compatible with this neighborhood. This project has a lot of elements that need to be looked at such as the lot size of 3500 square feet and the small street width sizes. The application of this project was inadequate in many areas.

Virginia Maddox, east Davis neighbor, said the horse ranch area should be preserved. The proposal struck her as sprawl. The real issue was whether Davis needed more housing now.

Pam Nieberg, east Davis neighbor, supported the project. It was a sustainable project and it was doubtful it could ever be farmed again because it was surrounded by homes on three sides. If farmed or used as a horse ranch, the neighbors would complain. The developer has made several concessions to the neighbors to alleviate concerns. The project is more affordable with smaller units. The proposal has a lot of "wow" factors. The 90% GHG reduction was unprecedented in Davis and surpasses Title 24 standards by 50% as well as far surpasses the City's green building guidelines. She said that Holly Bishop couldn't be here tonight but wanted it known that she supported the project also.

Rick Gonzales of east Davis, supported the project because it was affordable. He liked the layout of the project and wanted the teachers and policemen to be able to live here. Davis was going to grow, it was a matter of time and we need to create places for people to afford to live.

Lisa Thomas of south Davis, would like more affordable housing and something sustainable. She supported the project.

Carlos Mantos, resident of Davis, said the needs of affordable housing in Davis exceeded all the other problems that have been brought forth. He strongly urged approval of the project; it was needed.

Celia Escamilla-Greenwald, a Davis resident, said this project was sustainable, more dense and has taken into consideration neighbors and community concerns. She encouraged the Commission to support the project. If approved, she hoped the project raises the bar for future

developers so that all of our concerns will be considered so that Davis will continue to have a “wow” factor.

Rita Martin, Davis resident, said there were a lot of people who can't afford to live in Davis. She strongly supported the project as an improvement for what it will offer Davis.

Eileen Samitz, Davis resident, didn't support the project. This site should be preserved as prime ag land and not developed at this time. Water would be a problem with this project due to conveyance issues. Also, there is a fire problem here – three-stories when there is over a five minute response time. There would be a serious increase in storm water run-off from the project site contributing to downstream flooding. Parking is inadequate in the project. Parking is inadequate and narrow streets don't work. What is the range of affordability of these units? We should get an independent assessment of the 90% GHG reduction as to whether this would really be accurate. Using CC&R's to enforce people to park in their garages would not work.

Jason Umpquist, resident of the Wildhorse neighborhood, wanted affordable housing but this dense proposal put on the edge of the City isn't compatible with the neighborhood.

John Tallman, Project Manager of Parlin Development, pointed out that the project actually meets a medium density similar to Caravaggio Drive. He explained how the three-story units are in the middle of the buildings. This offers diversity of the house size within the townhomes. The nearest homes are 98 feet from the nearest wall of a home on the west side (Caravaggio Drive). He explained there will be a Home Owners Association to enforce CC&R's. He said that 90% GHG reduction promise is a Measure J feature that the community will vote on and they can't change that unless they went back through the Measure J process again.

Chairperson Braly closed the public hearing.

Nick Pappani, Raney Planning & Management, said the Draft EIR analysis determined that there was adequate treatment capacity in the waste water treatment plant. This project would be within the capacity limits.

Commissioner comments (not necessarily consensus):

- CC&R's could require that cars be parked in the garages.
- Liked the design, the urban forest was a great buffer zone, and fine to convert the horse ranch to this use. The greenbelt, the bioswales and the smaller roadways were fine for this particular project. This was a denser project but overall it balances out with surrounding neighborhoods.
- Didn't believe there would be that much parking outside of the neighborhood. Supported staff recommendation.
- Pointed out that there are affordable apartments and condominiums in Wildhorse already and some are three-story. No one guarantees that when you buy next to

vacant land that it will stay that way. Supported the project and would like it designed the best it could be and let the voters vote on it.

- Would like the bioswales kept in the project as part of the sustainability of the project, the density was fine, the building height of 38 feet was fine; just mix up the building heights and sizes.
- Didn't agree with the parking complaint; there is no roadway connection to the other neighborhood and the buffer is minimally 100 feet away.
- Issue was with the Final EIR, no time to read it, couldn't vote on certifying the final EIR without having more time to read it.
- Density proposed was compatible for the neighborhood; good project. The project could set a new standard for sustainability for the City for GHG reduction and energy use. A lot of concessions were made by the developer for the community.

Action: Commissioner Whittier moved recommending to City Council staff's recommendation of approving #A, the Resolution to certify the Final EIR. Commissioner Clumpner seconded the motion.

AYES: Whittier, Clumpner, Braly

NOES: Choudhuri

The motion passed 3 to 1.

Commissioner Whittier moved approval of #B-E for recommendation to the City Council with the modifications as needed to be attached to Item #E, the Development Agreement. Commissioner Clumpner seconded the motion.

AYES: Choudhuri, Whittier, Clumpner, Braly

The motion passed unanimously 4 to 0.

7. Business Items

A. Request for two appointees to serve on "Senior Housing strategy Committee"

Commissioner Choudhuri volunteered to be one of the representatives. Commissioner Clumpner volunteered as well with the understanding that he couldn't promise to make every meeting. Commissioners agreed.

8. Informational Items

A. Planning Commission Schedule

Mike Webb made announcements regarding the upcoming meeting schedule.

Chairperson Braly said he couldn't make the July 22nd Planning Commission meeting.

9. Staff and Commissioner Comments (continued).

Commissioner Choudhuri mentioned that there were greenbelt lights out in her neighborhood. Staff noted it and mentioned that there was an on-line request procedure on the City's website.

10. Public Communications (continued).

There were no public communications.

11. Adjournment to the next regular Planning Commission meeting to be held on Wednesday, July 22, 2009 in the Community Chambers (23 Russell Boulevard).

The meeting was adjourned at approximately 10:21 p.m.