

**Planning Commission Minutes  
Community Chambers  
Wednesday, August 6, 2008, 7:00 p.m.**

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

Commissioners Absent: David de la Pena, Kris Kordana

Staff Present: Mike Webb, Principal Planner; Xzandrea Fowler, Planner; Rhys Rowland, Assistant Planner; Lynanne Mehlhaff, Planning Technician

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**1. Call to Order**

Chairperson Clumpner 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).**

Vice-Chairperson Braly mentioned there would be a Climate Action Team meeting tomorrow night and also proposed to add to a future agenda a discussion regarding an “innovation track.” This would be for projects that are unusual and don’t fit exactly into the slots that have been accumulated over the years; these can be looked at and evaluated individually. These projects could be environmentally or design innovative. Commissioners agreed to put this on a future agenda.

**4. Public Communications**

There were no public communications.

**5. Consent Items**

**A. Planning Commission Minutes of March 26, 2008**

**Action:** Commissioner Whittier noted a correction to page 6 that the date of the next Planning Commission should be changed to the correct date. The minutes were then approved by consensus, 6 to 0.

**6. Public Hearings**

**A. PA #59-07, 2932 Spafford Street, Preliminary Planned Development #05-07, Negative Declaration #06-07;  
(Rhys Rowland, Assistant Planner)**

Public Hearing to consider approval of a rezone of the undeveloped 1.51 acre property located at 2932 Spafford Street in the Fifth Street Commerce Center in east Davis. The property is currently zoned for Light Industrial, R&D, Contractor/Artisan and Small Office uses. The request is to rezone the entire site to Small Office. Eventual development proposed at the site includes the construction of a two-story, approximately 30,000 square foot professional office building with associated landscaping, parking and other site amenities.

Rhys Rowland, Assistant Planner, presented the staff report.

Commissioner Levy asked that on page 13, the Ordinance, Section 1, change the word “relocated” to ‘relocate’. Commissioners noted other edits on page 9 regarding the section of “Sustainability” and correcting a section in the Initial Study regarding traffic impacts.

Chairperson Clumpner opened the public hearing.

Valerie and Richard Park, owners of the property, described the project and stated how they wanted to be able to expand their business in Davis. They wanted to build a quality office space.

Richard Park explained the history of their business as patent attorneys from Silicon Valley.

Mark Rutheiser, consultant from Cunningham Engineering, explained that the owners intention was to go beyond the City’s Green Building Ordinance requirements and try to meet at least the silver LEED certification. This was an owner occupied building

Steve Harrison, of Harrison Construction, spoke in support of the project.

Mark Lawton, owner of Stone’s Café, spoke in support of the project as a smart growth project.

Chairperson Clumpner closed the public hearing.

**Action:** Commissioner Levy moved recommending approval to the City Council to adopt the Negative Declaration and the ordinance to amend PD #5-94C to PD #5-94D. Vice-Chairperson Braly seconded the motion. Commissioner Choudhuri added to amend the Initial Study with the change to the traffic study showing no potentially significant impact as well as the other edits mentioned by Commissioners earlier. Commissioners agreed.

**AYES:** Choudhuri, Whittier, Levy, Hofmann, Braly, Clumpner  
The motion passed unanimously 6 to 0.

**B. PA #58-07, 2990 Fifth Street, Community Housing Opportunities Corporation, Design Review #25-07, Final Planned Development #06-07, Conditional Use Permit #14-07 and Tentative Map #01-07; (Xzandrea Fowler, Planner)**

Public Hearing to consider subdivision of the property at 2990 Fifth Street to create 'for-sale' affordable housing units and a 9,770 square foot office building. There will be 17, two-story single-family detached units and 12, multi-family units. The multi-family units will be located above the office building and will be fully accessible. Five of the single family units will be accessible and the remainder will be visitable. The single-family units will range in size from approximately 2,000 square feet to 2,300 square feet (including the garages), and the multi-family units will range in size from approximately 730 square feet to 1,040 square feet.

Xzandrea Fowler, Planner, presented the staff report. Staff recommended a sound wall along the east property line however the applicant recommended fencing and landscaping instead. Staff also revised condition #58, page 34, to say "Households purchasing the units shall have a gross annual income that is at or below 120% of the Area Median Income (specifically 21 units at 80% and 8 units at or below 120%) for Yolo County, adjusted for household size, at the time of purchasing a low/moderate/or middle income unit."

Chairperson Clumpner said since the adoption of the Green Building Ordinance, some streamlining of the conditions of approval may need to be done to reflect consistency with the Green Building Ordinance.

Mike Webb, Principal Planner, stated in lieu of the condition which stated the applicant had to exceed Title 24 by 15%, the condition could read "all components of the project shall comply with the Green Building Ordinance."

Commissioner Levy said that there were a variety of other conditions of approval that are wrapped up in the Green Building Ordinance (GBO) that may or may not be required because they are optional under the GBO. He recommended discussion on which conditions are

duplicates of the Green Building Ordinance and which conditions should be sub-planted. For instance, this condition stated 15% above Title 24 and the GBO standard was 10%. This should be discussed to level the playing field for all applicants. Webb stated this could be discussed at a future meeting in September.

Chairperson Clumpner opened the public hearing.

Scott Shepard, Vice-President for Real Estate Development for CHOC, explained the demand for this project and the affordability components. He explained why the sound wall on the east side wasn't necessary; an open-rail fence with landscaping was sufficient for screening and the buildings had enough sound-proofing built in.

Chairperson Clumpner closed the public hearing.

**Action:** Vice-Chairperson Braly moved approval of the project with the applicant's proposal of an open-rail fence with landscaping instead of a sound wall, the removal of the 15% Title 24 requirement and compliance with the Green Building Ordinance. Also, a correction needs to be made to page 13, stating that the Home Owners Association instead of the individual property owner enforces the CC&R's. A clarification was made that parking was allowed on both sides of the street and parallel parking was allowed on one side of the street. Staff explained that compliance with the Green Building Ordinance would also cover condition #70, the Energy Savings Plan. Commissioner Levy agreed with removing the appropriate sections from conditions #30, #70 and #74 but stated it raised the policy question that by removing these conditions does the City no longer require additional energy savings or conditions that go beyond the Green Building Ordinance.

Commissioner Hofmann seconded the motion. After some discussion, Commissioners agreed to leave conditions #70, #74 and #75 in the Conditions of Approval.

Webb asked Commissioners if staff could have the final review and approval of the methods, materials and placement of the fence design so as to make sure there is a good design that has adequate privacy for the neighboring properties. Commissioners agreed to include that in the conditions.

Commissioner Whittier stated he wouldn't support the project because there were two places where the buildings were only two feet apart. He had maintenance concerns.

AYES: Choudhuri, Braly, Hofmann, Levy, Clumpner

NOES: Whittier

The motion passed 5 to 1.

Commissioner Choudhuri asked for staff to come back in September with more feedback on how the Green Building Ordinance now compares with all the Title 24 requirements exceeding that. Staff agreed to come back in September to clarify this and the standard conditions.

**7. Business Items**

There were no business items.

**8. Informational Items**

**A. Planning Commission Schedule**

**9. Staff and Commissioner Comments (continued).**

Commissioners Braly and Levy won't be at the next scheduled meeting on September 10<sup>th</sup>. Commissioner Levy also stated he would miss the October 8<sup>th</sup> meeting due to Yom Kippur, a religious holiday.

Staff announced that the 233 B Street project denial was appealed and will be scheduled for a City Council meeting in the future.

**10. Public Communications (continued).**

There were no public communications.

**11. Adjournment to the next regular Planning Commission meeting to be held on Wednesday, September 10, 2008 in the Community Chambers (23 Russell Boulevard).**

The meeting was adjourned at approximately 9:06 p.m.