

**SOUTH DAVIS GENERAL PLAN CITIZENS ADVISORY COMMITTEE (SDCAC)
MINUTES OF MEETING ON April 30, 2013**

Approved May 15, 2013

Committee Present: John Cooluris, Maureen Guerrieri, Matt Williams, Olin Woods.

Committee Absent: Jim Bernardy, Stan Dean

Others Present: Jim Provenza - Yolo County Supervisor, District 4, Leroy Bertolero – Yolo County At-Large Planning Commissioner, David Morrison – Assistant Director, Planning and Public Works for Yolo County , Landon Scarlett – Recording Secretary.

Citizens Signed In: Mary Corliss, William Corliss, Judy Hills, Eileen Gueffroy, Donald Gueffroy, Heather Lauter-Clay, John McDonough, Nancy McDonough, Scott Maxwell.

1) Call to Order – Mr. Williams, Chair, called the meeting to order at 5:35 PM at The El Macero Country Club

2) Introductions – Mr. Williams noted that Stan Dean, SDCAC committee member, has resigned as he is moving to Oregon. His resignation will be official when acted on by the Board of Supervisors. Mr. Williams introduced Nancy McDonough and mentioned that she and Scott Maxwell have applied to be members of SDCAC (subject to approval by the Yolo County Supervisors) and both would be attending tonight’s meeting.

3) Approval of Agenda:

The Agenda was approved as written

MOVED BY: Woods/SECONDED BY: Cooluris

AYES: Cooluris, Guerrieri, Williams, Woods

NOES: None

ABSTAIN: None

ABSENT: Bernardy, Dean

4) Approval of Minutes of January 15, 2013

MOVED BY: Cooluris / SECONDED BY: Woods

AYES: Cooluris, Guerrieri, Williams, Woods

NOES: None

ABSTAIN: None

ABSENT: Bernardy, Dean

Mr. Williams repeated the information provided at prior SDCAC meetings that draft minutes and meeting agendas are posted on the County website <http://www.yolocounty.org/Index.aspx?page=2163> and in the glass case on Montgomery after having been reviewed by the SDCAC.

5) Correspondence and Announcements: None

PUBLIC FORUM

6) Public Comment (for items not on the Agenda): Ms. Corliss asked about the effective date of the increase in water rates. Mr. Cooluris indicated that the date was May, and then mentioned that if Willowbank installs an irrigation water system it may be operable within 2 years. Ms. Hills asked about what was going on with the Nishikawa project. Note: This last issue will be covered under **County Report** below.

7) County Report: Mr. Morrison reported on 3 items: 1) An application regarding wetlands near Whitby Island (at the southern extremity of our area) which will be going to the Planning Commission shortly; 2) The radio tower which is located at the Yolo Landfill which had formerly been proposed for a South Davis location off Mace Boulevard; and 3) the Ruff/Nishikawa project.

Re the latter, Mr. Morrison reported that the application to consider the land under the Clustered Agricultural Housing Ordinance had been withdrawn, and the owners/developer have applied for a Certificate of Compliance, a voluntary action to have the County recognize 4 separate and legal parcels in Yolo County,

which are ½ acre, 10 acres, 20 acres and 40 acres in size. Discussion followed as to how many houses could be built on these parcels under current law, and how current law deals with issues of historical deeds and parcels too small to build upon.

Mr. Morrison noted that the County Planning Department will probably recommend an extension (with modifications based on what has been learned during the processing of the Ruff /Nishikawa application) of the Clustered Agricultural Housing Ordinance when it is due to sunset in the fall of 2013.

Supervisor Provenza noted that a Yolo County/City of Davis 2x2 meeting is scheduled for Friday May 3 at his office at 8 am and that the Clustered Agricultural Housing Ordinance was one of the items on the agenda, and that anyone was welcome to attend.

Supervisor Provenza reported that “The County is doing well” and that a budget is expected by June. Neither layoffs nor major cutbacks are expected, and there is an increase of county reserves as well as funding for future health benefits.

8) DISCUSSION ITEMS

8.1 Discussion of Draft Zoning Change Proposal (Cooluris/Williams)

Mr. Cooluris noted that he and Mr. Williams had recently met with Mr. Morrison and Mr. Parfrey at the Planning Department offices, and that prior to that meeting Mr. Cooluris and Mr. Dean had formulated an interim report on the issue (see Attachment A). Mr. Cooluris highlighted the areas of interest, saying that residential zoning codes are being updated to bring them into accord with the County General Plan. Based on the preamble of the Department of Planning Summary, the goal is to 1) allow for a wide range of housing uses, 2) which complement existing residential development; 3) while at the same time pursuing an increase in density; and 4) more flexibility to build houses without involving use permits. Discussion of the current and new residential zoning designations followed. Mr. Cooluris noted that the existing “R-1” (Residential One Family) and “R-S” (Residential-Suburban) zones are being retired.

Mr. Cooluris’ opinion is that unincorporated communities such as Willowbank and El Macero that exist on the edge of a city (which provides for the commercial needs of these unincorporated communities) should be protected from the possibility of the construction of future multi-family housing and commercial establishments within the existing unincorporated community. That protection does not exist in the R-L zone as proposed in the new zoning recommendations. All of Willowbank and El Macero would be zoned R-L.

Mr. Morrison explained the rationale behind the new zoning policy. The goal of higher density began as an effort to clean up the air (SACOG Blueprint-Regional Land Use Plan). In concert with Yolo County’s primary goal of protecting Ag Land, the new General Plan increases densities in towns and cities while reducing densities in Ag areas. Mr. Morrison also noted the need for equal treatment under the law for all communities.

Possible options were discussed. Mr. Cooluris recommended either 1) “grandfathering” of these fully developed communities because of their access to Davis’ amenities or 2) finding a suitable middle ground. He noted that the issues are out on the table now and that the new zoning rules, as proposed, will not be well received in either the Willowbank or El Macero neighborhoods.

Mr. Morrison outlined a timeline leading up to County Supervisors’ approval of the new zoning code. There will be a meeting with Supervisors on May 21 for a check-in on portions of the draft zoning code that are not part of the General Plan. There will be a CEQA review in June and July, and a Planning Commission review and final recommendation to the Supervisors in September, with a final vote by the Supervisors in October 2013. Mr. Morrison said he would be glad to have additional input before May 21.

SDCAC members Williams, Cooluris, and Woods encouraged citizens to comment at the May 21 Supervisors meeting in Woodland. In the meantime, it was decided to strive for a new SDCAC subcommittee (Cooluris/Williams) draft report for the Supervisors and another SDCAC meeting before May 21 to discuss the draft.

9) ACTION ITEMS: A question was asked about how to apply to be on the SDCAC. The process is to send a completed application (the form is on-line at <http://www.yolocounty.org/Modules/ShowDocument.aspx?documentid=10>) to Supervisor Provenza. It was noted that the SDCAC Standing Rules currently recommend a maximum of 7 committee members.

After a motion by Ms. Guerrieri , a substitute motion by Mr. Woods was seconded by Mr. Williams to have names of all interested applicants submitted to the Supervisors for their consideration. The Question was called:

AYES: Cooluris, Guerrieri, Williams, Woods
NOES: none
ABSTAIN: none
ABSENT: Bernardy, Dean

10.1) Next Meeting of SDCAC: To be determined

10.2) FUTURE AGENDA ITEMS:

- Communication options
- Continued discussion of Zoning

11) Adjourn: the meeting adjourned at 7:45 pm

MOVED BY: Cooluris/SECONDED BY: Guerrieri
AYES: Cooluris, Guerrieri, Williams, Woods
NOES: None
ABSTAIN: None
ABSENT: Bernardy, Dean

Respectfully submitted by:



Landon Scarlett
Recording Secretary

Allowed Land Uses and Permit Requirements - Table 8-2.504(a)

Zone R-L Land Uses	Permit Requirements	Specific Use Requirements or Performance Standards
Residential Uses		
Second or "granny" unit	A ^{1 and 2}	See Table 8-2.505 and Sec. 8-2.305(a)
Duplex, triplex, four-plex	SP ¹	See Table 8-2.505 and Sec. 8-2.506(c)
Multi-family (condominiums, townhouses, apartments)	SP/UP(m) ¹	
Group or co-housing	SP ²	
Shelters	SP/UP(m) ^{1 and 2}	See Sec. 8-2.506(d)
Home Occupation/Care		
Home Occupation	A ²	See Sec. 8-2.506(e)
Group/home care (<6 beds)	A ²	See Sec. 8-2.506(f)
Group/home care (6 beds or more)	SP/UP(m) ^{1 and 2}	
Child care (<9 children)	A ²	See Sec. 8-2.506(g)
Child care (9 to 14 children)	SP/UP(m) ^{1 and 2}	
Mixed Residential/Commercial Use		
Small ancillary commercial uses	SP	See Sec. 8-2.506(i)
Animal Keeping		
Large domestic animals (e.g., horses, mules, burros, cattle, swine, sheep and goats)	A ⁴	See Sec. 8-2.506(j)
Agricultural Uses		
Agricultural production	A	See Table 8-2.303(a)

¹ Subject to septic system space requirements in Willowbank

² Currently permissible under California law that preempts local zoning rules

³ Currently permissible in R-1 and R-S Zones

⁴ Currently permissible in R-S Zone

Glossary:

A = Allowed use, subject to zoning clearance

SP = Site Plan Review

UP (m) = Minor Use Permit

UP (M) = Major Use Permit

Residential Development Requirements for R-L Zone - Table 8-2.505

Minimum Lot Area	3,500 sq. ft. ¹
Front Yard Setback ⁽²⁾ (feet)	20 ft. from property line or curb strip ²
Rear Yard Setback ⁽²⁾ (feet)	15 ft. from property line ³
Side Yard Setback ⁽²⁾ (feet)	10 ft. from property line/0 or 5 ft. with Use Permit ⁴
Height Limits (feet)	35 ft./two stories, or 40 ft./three stories, with Use Permit ⁵
Building Size/Open Space, Lot Coverage (square feet)	No size limit; open space of 600 sq.ft. per unit and lot coverage limit of 25% for attached units
Density (dwellings per acre)	1.0 - 9.9 units per net acre

¹ Currently 7,000 sq. ft. for corner lots and 6,000 sq. ft. for interior lots in R-1 Zone and one-half acre in R-S Zone

² Currently 25 ft. in R-1 Zone and 35 ft. in R-S Zone

³ Currently 25 ft. in R-1 Zone and 40 ft. in R-S Zone

⁴ Currently 15 ft. for corner lots and 6 ft. or less for interior lots in R-1 Zone and 20 ft. for corner lots and 10 ft. for interior lots in R-S Zone

⁵ Currently 30 ft. for main building in R-1 Zone and 35 ft. for main building in R-S Zone

Manufactured Homes

Under Section 8-2.506(a), manufactured homes (e.g., mobile homes), in addition to traditional residential structures, are allowed in the R-L Zone.

Examples of How the New Rules Could Be Used

- Residential lots originally designed or used solely for single family residences could be subdivided into 3,500 sq. ft. lots for small sfrs consisting of traditional residential construction or mobile homes. The space required for septic systems would limit such development in Willowbank.
- Duplex, triplex, four plex and possibly some multi-family housing could be constructed on residential lots, provided that the project is designed to be compatible with adjoining single family residences and meets development standards. If compatibility issues arise or setbacks or other development standards are not met, the Planning Director may issue a use permit in his or her discretion. Again, the requirements for septic systems would limit such construction in Willowbank.
- Temporary or transitional shelters for homeless or displaced persons with less than 20 beds is already permitted by state law, provided that the project is designed to be

compatible with adjoining single family residences and requirements for septic systems are satisfied. Projects with 20 or more beds require use permits issued by the Planning Director.

- Group or home care for the main purpose of providing limited on-site medical and home care for elderly or disabled persons with less than six beds is presently allowed by state law, provided that the project is designed to be compatible with adjoining single family residences. Home care for six or more beds requires a Site Plan Review. If there are compatibility issues or a home with six or more beds, the Planning Director may issue a use permit in his or her discretion.
- Child care for eight children or less is presently allowed by state law. A child care facility for nine up to 14 children is also allowed, provided that the project addresses potential impacts related to density, traffic, parking and noise. If those impacts arise, the Planning Director may issue a use permit in his or her discretion.
- Small mixed commercial activities of less than 2,000 sq. ft. per business would be allowed subject to a site plan review, provided they do not cause unacceptable impacts, such as traffic, parking and noise issues for nearby residents. Permissible mixed uses could include: (a) small grocery and retail stores, (b) small offices for use by accountants, attorneys, real estate firms and medical/dental services and (c) small businesses such as hair dressers, dry cleaning and laundromats.
- The keeping of large domestic animals would be permitted on lots of one-half acre or more, but their numbers would be limited by the Animal Density Points attributable to the type of animal. Under the point system one or two mules, donkeys, burros or pigs could be allowed on lots of one-half acre to one acre. Greater numbers of sheep, goats, alpaca and the like could be allowed on lots of that size. There are additional requirements regarding fencing, enclosure and sanitation.

Key Issues and Recommendations

An obvious goal of the new General Plan and the related zoning regulations is to shape the nature and location of future growth in Yolo County. But El Macero and Willowbank are essentially fully developed residential subdivisions and their boundaries are permanently established. Because we cannot expand our borders, the smart growth policies or other rules designed for the future development of the rural areas in Yolo County should have limited application here.

Our conclusion is that many of the proposed uses and the development standards, especially the increased density rules and reduced setbacks, for the R-L Zone are incompatible and inappropriate for El Macero and Willowbank. Moreover and ignoring the possible impact of a subdivision's CC & Rs, the adoption of the proposed residential zoning rules could dramatically change the character of the El Macero and Willowbank neighborhoods over time. These changes could negatively impact the existing ambience and enjoyment of the neighborhoods and property values.

Our recommendations are twofold:

- The Committee should establish a dialogue with the representatives of the Planning Department, the Planning Commission and the Board of Supervisors, as appropriate, to discuss our concerns and to explore how we can preserve the character and ambience of our neighborhoods to the extent possible under applicable law, whether by an amendment to the General Plan or by neighborhood-specific qualifications to the R-L Zone regulations. In doing so, it must be realized that if a permissible use is state-mandated (e.g., “granny” units and small scale home occupation, group/home care and child care), the County cannot change it.

- The Committee should obtain a determination on whether or not as a matter of law and if so, under what circumstances, would a given subdivision’s CC & Rs preempt inconsistent or incompatible zoning regulations. For example, would a subdivision’s CC & Rs that restrict the use and development of a lot to traditionally constructed single family residences with specified setbacks prevail over County zoning regulations that allow duplexes or multi-family housing and reduced setbacks? Would a given subdivision’s CC & Rs that prohibit any subdividing of a residential lot preempt County zoning regulations that allow densities of up to nine units per acre?

We look forward to discussing the foregoing with the Committee at our November 13, 2012 meeting.