



**City of Davis**  
**Planning Commission Minutes**  
**Community Chambers, 23 Russell Boulevard, Davis, CA 95616**  
**Wednesday, June 26, 2013**  
**7:00 P.M.**

Commissioners Present: Herman Boschken, Mark Braly, Cheryl Essex, George Hague, Marilee Hanson (Vice Chair), Rob Hofmann (Chair),  
Absent: Ananya Choudhuri, David Inns (Alternate)  
Staff: Principal Planner, Bob Wolcott; Community Development Administrator, Katherine Hess; Planner & Historical Resources Manager, Ike Njoku; Assistant City Clerk, Lisa K. Kemmer

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**1. Call to Order**

R. Hofmann called the meeting to order at 7:00 p.m.

**2. Approval of Agenda**

M. Braly moved, seconded by G. Hague, to approve the agenda.

Motion passed by the following vote:

AYES: Braly, Boschken, Essex, Hague, Hofmann

NOES: None

ABSENT: Choudhuri, Inns, Hanson

**3. Staff and Commissioner Comments**

None

**4. Public Communications**

None

**5. Consent Calendar**

A. Planning Commission Minutes of January 23, 2013

G. Hague moved, seconded by C. Essex, to approve the minutes of January 23, 2013.

Motion passed by the following vote:

AYES: Braly, Boschken, Essex, Hague, Hofmann

NOES: None

ABSENT: Choudhuri, Inns, Hanson

**6. Public Hearings**

A. 3925 Yana Place / Second Dwelling Unit: Planning Application #13-31–Conditional Use Permit #7-13

Planner & Historical Resources Manager, Ike Njoku: Proposed Conditional Use Permit to construct a detached, one-story, second dwelling unit of approximately 584 sq. ft. as part of the improvement of the vacant lot at 3925 Yana Place with a single family home.

The proposed second dwelling unit will consist of a bedroom, living room, bathroom, and kitchen.

Chair Hofmann opened the public hearing.

Steve Sherman, Sherman Homes, Applicant addressed any questions.

Hearing no comments, Chair Hofmann closed the public hearing.

M. Braly moved, seconded by G. Hague, to approve as follows:

1. Determine that the proposed project is Categorically Exempt from further environmental review pursuant to Section 15303(a) of CEQA Guidelines as new construction of a second dwelling unit in a residential zone; and
2. Approve Conditional Use Permit Application #7-13, to allow a second dwelling unit of 584 square feet at 3925 Yana Place, subject to the Findings and Conditions of Approval.

M. Hanson arrived at 7:09 p.m.

Motion passed by the following vote:

AYES: Braly, Boschken, Essex, Hague, Hofmann

NOES: None

ABSENT: Choudhuri, Inns

ABSTAIN: Hanson

**B. 817 Hacienda Avenue / Addition of Sixth Bedroom to House: Planning Application #13-30–Conditional Use Permit #6-13 and Design Review #11-13**

Planner & Historical Resources Manager, Ike Njoku: Proposed Conditional Use Permit and Design Review to allow a 966 sq. ft. addition to the existing 5,239 sq. ft. home, will result in a total of six bedrooms in the dwelling unit. The addition designed to serve as an art studio, although it is technically a sixth bedroom pursuant to the Zoning Ordinance definition, and includes a new driveway for one uncovered one-car parking space.

M. Hanson recused herself and left the dais, property within 500 feet of property.

R. Hofmann: Have questions relating to conditions 7, 17, and 22.

I. Njoku: The room has been designated for use as an art room. There are no issues with staff.

C. Essex: Page 6, Design review doesn't appear to have any illustration of existing home and looking at item 3 that states this is compatible with the buildings around this location

makes it hard to make a decision.

I. Njoku: Reviewed project area map and stated that the forms, flat roof etc., are all uniform.

R. Hofmann: Planning Commission passed a “no six-bedroom plan” so why is staff comfortable with this now?

I. Njoku: There will be no impact to existing floor plan in home. Majority of home (1162 sq. ft.) is garage area. Staff comfortable this will not turn into mini-dorm.

H. Boschken: What would a mini-dorm look like?

I. Njoku: Small area that cuts up livable space area for more rental space.

Chair Hofmann opened the public hearing.

Nancy Shapiro, Owner and Applicant: Tent in driveway removed, no longer issue as mentioned in letter from Yvonne Garrett.

Hearing no other comments, Chair Hofmann closed the public hearing.

H. Boschken moved, seconded by G. Hague, to approve as follows:

1. Determine that the proposed project is Categorically Exempt from further environmental review pursuant to Section 15301(e) of CEQA Guidelines as an addition to existing structure resulting in less than 50% of the structure prior to the addition; and
2. Approve Conditional Use Permit #6-13 and Design Review #11-13, to allow the proposed 966 square foot room addition, which will result in a six-bedroom dwelling unit, subject to the Findings and Conditions of Approval.

Motion passed by the following vote:

AYES: Braly, Boschken, Essex, Hague, Hofmann

NOES: None

ABSENT Choudhuri, Inns

ABSTAIN: Hanson

**C. 1701 Cowell Boulevard / Carl's Jr. Restaurant in Vacant Restaurant Building: Planning Application #13-35–Conditional Use Permit #9-13 and Design Review #14-13**

Planner & Historical Resources Manager, Ike Njoku: Proposed Conditional Use Permit and Design Review to allow a Carl's Jr. to open a new restaurant in the vacant 3,170 sq. ft. former Wendy's restaurant building located at 1701 Cowell Boulevard. The project will include exterior and interior remodeling and new signage.

R. Hofmann: Have a question relating to lighting requirements.

I. Njoku: We are not concerned about lighting at this particular intersection.

R. Hofmann: Burger King off Hwy 113; very restricted, was Plan Design restrictions regarding the brick accents?

I. Njoku: No, we are comfortable with project.

Chair Hofmann opened the public hearing.

Frank Oley, Carl's Jr. Restaurant, Representative: Looking for approval, offered to answer any questions.

Hearing no other comments, Chair Hofmann closed the public hearing.

C. Essex moved, seconded by M. Braly, to approve as follows:

1. Determine that the proposed restaurant use is Categorically Exempt from further environmental review pursuant to Section 15301(a) of CEQA Guidelines as involving interior or exterior alterations to an existing structure, and Section 15301(g) as a new sign copy on existing facility; and
2. Approve Conditional Use Permit #9-13 and Design Review #14-13, to allow the proposed restaurant use including signage at 1701 Cowell Boulevard, subject to the Findings and Conditions of Approval.

Motion passed by the following vote:

AYES: Braly, Boschken, Essex, Hague, Hanson, Hofmann

NOES: None

ABSENT Choudhuri, Inns

- D.** (Continued Public Hearing) 225 and 229 B Street / Mission Residences: Planning Application #12-72 Planning Application #12-72—General Plan Amendment #1-12, Core Area Specific Plan Amendment #1-12, Zoning Amendment #1-12, Tentative Map #2-12, Design Review #20-12).

Community Development Administrator, Katherine Hess: Proposed project to combine 2 adjacent lots, remove 2 existing dwellings, and construct a 5-level 14-unit condominium building. Proposed building would reflect a Mission Revival style of architecture; condominiums designed with single-level living, common areas including exercise and meeting rooms, and great room/master bedroom floor plans. Only change would be window glazing.

Chair Hofmann opened the public hearing.

Public comment:

Aubrey Moore, architect: Unusual project, higher density in downtown location; efficient use of land; serves unmet needs. Design is attractive addition to B Street. Building is designed so it will be accessible from any level. Presumed market for units is seniors, but not age restricted project. 4th floor articulated.

James Kidd, applicant: Distributed elevation drawing, incorporates existing trees, 4<sup>th</sup> floor obscured. Considered placing Italian Cypress trees on north side, layout proposed is to provide as much separation from apartment dwelling on South side.

Brelend Gownan, wife is Stephanie Sekai: B Street residents; who will be residents of project? 3 of 7 units in Central Park West are absentee owners renting to students. Mission Residences will be attractive to absentee owners as student rentals. Will

probably get 50% absentees. Issue is parking, students all bring cars. Not easy to park on B Street during daytime. Experience in alley between 3<sup>rd</sup> & 4<sup>th</sup>, large increase in traffic. In 2007, as part of 3<sup>rd</sup> Street Visioning, Findings of Fact excluded 4<sup>th</sup> floor units, residential FAR must be less than 2. Visioning process provided framework for planning orderly development, need to uphold vision.

Sue Greenwald: Concern that city infringes on right of owner occupants who bought properties under certain rules and conditions. Project is too massive for lot. Need in city for large condominium development, but not correct site. Request additional information on senior restriction requirements. Will probably see drift over time towards all rental units.

Gayle Sosnick: Trend statistically is that young couples want to live downtown within walking distance to attractions. Support project, good floor plans. Attractive to seniors. Good elevation, transitional architecture, modulated well on front. People want more sophisticated B Street, transition to world class university.

Maria Ogreziak: Does not meet residence or zoning design guidelines. Too many student rentals in neighborhood. In near future, can be significant number of rental units. Student rental scenario already occurring at Central Park West. Owner occupancy cannot be assured. Half level is not truly underground parking.

Mark Truscott, neighbor directly north to project site: Know that area is designated for infill; plan is live at site and develop after 10 years or sell to future developer. Concerned over potential for student rentals and parking issues. Current elevations have full size windows. For infill development, clerestory windows are more appropriate. Will eventually build 3-4 story building next door, windows will be a problem to future residents. Will not be able to achieve tall vegetative screening between sites because will be very little sun.

Dave Ogreziak, B Street resident: Only place that you can't tell that building is 4 stories high is across the street. Everywhere else in neighborhood it is clearly visible. Block has a rhythm, middle is somewhat lower with higher corners. Should consider reasoning behind not allowing 2.0 FAR for site in visioning.

Sabrina O'Hanley, University Ave resident; read statement from Maynard Skinner, University Ave resident behind site. Guidelines were established in 2007 after extensive study and public workshops. Residents of neighborhood are not opposed to infill, but should be with conforming scale and scope.

Sabrina O'Hanley, University Ave resident - 18 years; attended Third Street Visioning workshops; planning is being disregarded. Request Commission hear concerns of neighbors. Mixed use neighborhood, 8 families live on block with children, neighborhood has many students. Parking issues. Where do all cars go during street cleaning?

James Kidd, applicant: Building will have homeowners association. Currently live in an association, will have controls that apartment buildings do not. HOAs can fine, evict, etc. Have built 5 buildings downtown, continue to invest. Want to build to increase density downtown. Design to attract empty nesters and seniors. Have no interest in making building a rental property.

Hearing no other comments, Chair Hofmann closed the public hearing.

Mike Webb: Consulted with legal counsel, for projects of this size, city cannot place age restriction of any kind upon it. Must be 35 units or greater.

Commissioner comments included:

R. Hofmann: Third Street Visioning process was extensive. FAR are different because different use types, middle of block is residential, outside edge are intended for mixed use or commercial. Third Street Vision hasn't changed. Project is very different from original concept presented to Council. Proximity to UCD is cause for student rental concern.

G. Hague: As presented, appear to be senior oriented and accessible units. Parking is inadequate for needs of 14 unit condo. Concerned that project does not respect design of Third Street Visioning.

M. Braly: Suggest applicant consider cooperative ownership model.

J. Kidd: Willing to explore remedy to help solve concern over student rentals. Intent is to appeal to seniors, many of whom have only 1 car per household.

C. Essex: Building designed to be complimentary to B Street. Desirable use in downtown location. Setback on B Street of 4<sup>th</sup> story, but is very visible from alley and other locations. Alley aesthetics are important. Important for neighbors and builders to have clear enforceable guidelines. Good project, but in wrong location. Type of development is good for Core Area.

H. Boschken: Concern over size and parking. Increased traffic through alley doesn't fit location. Good design. Area has high demand from students. If university enlarges student enrollment, pressures will increase.

M. Hanson: Community worked long and hard on visioning plan, project violates plan and zoning. Does not meet design guidelines. Below grade parking lot is unattractive. Building too high, too dense for location. Not convinced will attract seniors.

M. Hanson moved, seconded H. Boschken, Planning Commission recommends City Council not approve application for reasons discussed by commissioners.

Motion passed by the following vote:

AYES: Boschken, Braly, Essex, Hague, Hanson, Hofmann

NOES: None

ABSENT: Choudhuri, Inns

**7. Staff and Commissioner Comments** (continued as needed)

M. Hanson: For future staff reports, when something like second unit proposed. Include applicant intent or plan specified and include what other options might be available for use, especially if site is sold.

**8. Informational Items**

A. Schedule of Upcoming Meeting Dates

Principal Planner, Bob Wolcott: Reported the July 10, 2013 meeting has been canceled. July 24 through September, meetings are in development. August 14 will probably not be scheduled.

**9. Adjournment**

The meeting was adjourned at 9:42 p.m.

Lisa K. Kemmer  
Assistant City Clerk