



**City of Davis**  
**Planning Commission Minutes**  
**Community Chambers, 23 Russell Boulevard, Davis, CA 95616**  
**Wednesday, January 8, 2014**  
**7:00 P.M.**

Commissioners: Mark Braly, Herman Boschken, Cheryl Essex, George Hague, Marilee Hanson (Vice Chair); David Inns (Alternate)  
Absent: Rob Hofmann (Chair), Ananya Choudhuri  
Staff: Principal Planner Bob Wolcott; Planner Cathy Camacho; Assistant Planner II Eric Lee; Assistant City Clerk Lisa Kemmer

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**1. Call to Order**

The meeting was called to order @ 7:00 p.m. by Vice Chair Hanson.

**2. Approval of Agenda**

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

Motion passed by the following vote:

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

NOES: None

ABSENT: Choudhuri, Hofmann

**3. Staff and Commissioner Comments**

M. Braly: Having a solar gardens workshop next week; solar gardens are community workspace; Senator Lois Wolk will come and talk about her bill; 7 p.m. in City Council chambers next Wednesday.

**4. Public Communications**

Laura Westroff: Advocate; thank Planning Commission for assistance in Cannery Project; help to protect trees; looking to future developments and trees as asset; trees benefiting area.

Mike Harrington: Have a small child at home; need to go home now; regarding 717 Seventh Street, wish therapist staff to be cut from three to two. Wish hours would be cut back from 8:30 p.m. to 7:00 p.m. as well.

**5. Consent Items**

A. Minutes of June 12, 2013

D. Inns moved, seconded by M. Braly, to approve the minutes as presented.

Motion passed by the following vote:

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

NOES: None

ABSENT: Choudhuri, Hofmann

**6. Public Hearings**

- A. Planning Application #13-67 for Revised Final Planned Development #05-13 and Design Review #25-13: 2603 Bellows Street (*Assistant Planner II Eric Lee*)

Assistant Planner II, Eric Lee introduced project. Showed overhead drawings; existing 2-story residence; this has been before Planning Commission before. Modified standards; setback reduced to 15 feet; normally 20 feet is required. Lot coverage is increased from 38% to 41%. Adds some additional square footage to house; interior space only; floor area. There are five trees planted there already by applicant. Recommend approval of project.

Vice Chair Hanson opened the public hearing.

G. Hague: The diagram looked like it would simply be enclosed, is what is there now going to be removed?

E. Lee: Will let the contractor weigh in on that.

Karl Lippincot, contractor; Home Depot: Primarily glass and screen; no ventilation necessary. The whole patio will come out. Putting in some electrical for portable cooling and heating; usually just open doors for cooling; purposely designed it at 200 sq. ft. Regarding appraisal, if it sells it would be questionable if it counts as extra square footage.

Hearing no other comments, Vice Chair Hanson closed the public hearing.

M. Braly moved, seconded by D. Inns, to approve staff recommendation as follows:

1. Determine that the proposed project is exempt from environmental review pursuant to CEQA Section 15301 for additions to existing structures; and
2. Approve Planning Application #13-67 for a Revised Final Planned Development and Design Review based on the findings (Attachment 1) and subject to the conditions contained in this staff report (Attachment 2).

Motion passed by the following vote:

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

NOES: None

ABSENT: Choudhuri, Hofmann

- B. Planning Application #65-13, Conditional Use Permit #12-13: 717 Seventh Street, Professional Office Use (*Planner Cathy Camacho*)

Planner, Cathy Camacho: Home will be used for professional office specializing in therapy, three therapists; operating 9 a.m. to 7 p.m. daily. Staff notes group therapy is not offered; applicant is asking for this condition; open till 8:30 p.m. for group therapy to two nights per week. The group therapy would be in addition to the 27 patients seen throughout the day. Limitation of two nights per week would be respectful of surrounding residents within the area. On December 9<sup>th</sup>, received comments; these are included in a supplemental handout provided to you. Summary provides recommendations. Conditions shown on green handout are agreed upon by both applicant and neighbor voicing concern.

Principal Planner, Bob Wolcott: Reviewed opposition to project; worked closely with Mr. Harrington's concerns and adequately addressed those concerns. In the General Plan category; it does say businesses (R-3) zoning; purpose to preserve and protect; suitable residential environment; also says professional offices are acceptable and subject to re-

view under CUP. We feel this project should move forward and receive your recommendation.

Vice Chair Hanson opened the public hearing.

G. Hague: How much increase of customer/client usage will there be for this applicant? Application states 27 people per day? What kind of impact on the neighbors?

Cathy Camacho: Right now, a single-family residence . We looked at area as a whole. The location has apartments, offices and a co-op further down the street.

Catherine LeBlanc, Marriage Family Therapist, applicant: Licensed marriage/family therapist. Lived in Davis since 1986. Live here with husband and sons. For 8 out of 10 years, home has been used for professional business. Own home also is ADA compliant; provide affordable services; work with adults, children, group therapy, couples counseling. Low impact project; does not differ in use or intensity from past use at this location. Working with City arborist; tree not so much in way; concrete lip is more of a problem but will be paved.

M. Braly: What about using staff recommendations? Having parking lot put in back?

Catherine LeBlanc MFT, applicant: Do not want to be looking out at a paved parking lot; would like a garden scenery.

G. Hague: Can you address Mr. Harrington's concerns about number of clients seen?

Catherine LeBlanc MFT, applicant: 16 patients will not work having three full time therapist employed. The 27 patients (maximum) per day would not be a common practice.

M. Hanson: Sort of confusing; staff report says 5 days a week. The blue sheet shows 7 days a week. The CUP states 5 days a week. What if we reword that so it is 5 days and make a weekend an exception for an emergency type basis?

Catherine LeBlanc MFT, applicant: Would prefer the flexibility, although I do not plan on working on weekends.

Public comments:

Kemble Pope, reside at 516 G Street, property is block and half from project; feel project appropriate use; commend applicant for being so flexible with unyielding neighbor. Has bent over backwards to accommodate neighbors; will be good neighbors; a much needed business; very rare folks can own the business they actually operate. With co-op right across street there is always parking available. Accept application.

Valerie Freckle, Therapist; known Catherine for years; her business is much needed asset; not many therapist in Davis at her caliber. This is like coming to a home atmosphere.

Janet; Therapist; known applicant, Catherine rides her bike everywhere. She actually intends to bike to this office. Huge need for service in community; clients prefer this type of environment.

Mick Rogers, Catherine's teacher: She is very skilled; miss working with her; perfect person for this type of practice here in Davis.

Kathy Bucker: Known Catherine for 12 years; special education teacher at DUSD. Great need for group therapy for teens; growing epidemic of anxiety and depression; can't find places for them; this would be great asset to community. Great for group to go to a welcoming environment. Hope you approve project.

Chris Sanborn, applicant's husband: Run into planning staff, promises not kept. Lots of work has been done; survey being done; good plan for a fence and setbacks and requirements; will be done as soon as possible; spoken to concrete contractor; if tree needs to come out it will for sake of ADA compliance. Working with City arborist as well-will move forward. Have curtains in place already. One therapist drives a Prius- very quiet. Special spots reserved for therapists. Spoken with other neighbors and have no problem with project. Thanked Commission for time.

David Taormino, Coldwell Banker, resident 45 years; seen many things happen in area; slow transition to commercial businesses. Encourage PC not putting so many limitations on applicant. Nice people you would want for your neighbors. Its slippery slope – next CUP will have to deal with precedence set here.

Henrietta Brewer, healthcare worker; knew the previous business owner; she had her physical therapy business operating on weekends. Please consider that when making your decision.

Steve Tracey: Need to look at zoning district use meeting requirements. These are decent people. If too many restrictions put in place, people will not want to operate a business there. Concern about precedent it sets not the practice itself; constant foot traffic and slamming car doors when they come to therapy; think parking is also unrealistic.

Catherine LeBlanc MFT, Applicant: Went to neighbors; two houses on that side; both signed approval. Street is empty most of time; traffic minimal.

Carla Campbell: Davis resident born/raised here: They own this home; if not allowed to do business practice they probably would end up renting it. We live with this as well.

Annie Lawry: Student in yoga class (Catherine); loving heart and providing a great service. Helping people find inner peace and strength.

Hearing no other comments, Vice Chair Hanson closed the public hearing.

Mark Braly moved, seconded by David Inns, to support project and approve the latest staff recommendations as listed.

G. Hague: Impressed with character of applicant, people who spoke on their behalf. Neighbors clearly okay with this type of use; support it; would like to receive more comments on recommendations.

D. Inns: If we restrict this, it doesn't guarantee a neighbor of any outcome. I support the way it stands.

C. Essex: Very supportive of project. Staff recommendation on green sheet protects residential uses; would not be in favor of limiting hours to 9-5 and no patients on weekends. Important to be able to offer services when people are not working, kids not in school. If no weekends, the weekdays would need to be longer hours. Such important service to families; very green to use existing buildings, very supportive of project.

M. Hanson: Property could be sold so important conditions are laid out for present and future use. Applicant said they really do not want to work on weekends but would like the flexibility to handle a crisis or unexpected need that may come up. Amending #3- clarify group therapy does not fall into definition of a client. Limit to two times per week for group therapy. Condition #4 limit that to five days a week with some considerations for the weekend. Condition #12; Amend to say use of window shade or window coverings required while clients are there.

M. Braly: With that clarification; on weekend use, nothing more to comment.

Catherine LeBlanc, MFT; Applicant: Would like to have the ability to work on some Saturdays.

G. Hague: Friendly amendment; adding Saturdays as a practice day, Sundays for crises or emergencies only.

Motion to approve staff recommendation with Friendly Amendment; accepted.

M. Braly moved, seconded by D. Inns, to support project and approve the latest revised staff recommendations as follows:

Conditional Use Permit #12-13 Findings:

1. That the use conforms to the City of Davis General Plan and R-3-M District in that the Planning Commission has determined the use to be of the same general character as the other conditional and general permitted uses within R-3-M (Residential Garden Apartments) and compatible as a Professional Office use.
2. All conditions and requirements deemed necessary and in the public interest have been or will be met as they have been imposed on the application approval to reduce the impact of the use on adjacent properties and vicinity.
3. The proposed use will not constitute a nuisance or be determined to the public welfare of the community in that the intensity of the use and specific conditions reducing the impact on adjacent properties have been incorporated into this approval.
4. The proposed use will not have a detrimental impact on traffic circulation due to the fact that no new building is being constructed and the proposed use will compliment surrounding uses.

5. The city has determined that the proposed project is exempt from further environmental review pursuant to Section 15303 of CEQA Guidelines as a minor conversion of use to a small structure, not exceeding 2500 square feet.
6. The proposed physical improvements do not prohibit future residential use of the subject site.

Conditional Use Permit #12-13 Conditions:

1. This approval is for the conditional use of the property located at 717 7<sup>th</sup> Street for professional office use. The permit is limited to the maximum square footage of the structure, 1,221 square feet.
2. The use is limited to a maximum of three therapists operating on site at one time.
3. The use is limited to a maximum of one client per hour per therapist, up to 27 clients per day. "Client" may include an individual, a couple, or a family. "Client" does not include a group of individuals in group therapy. In addition, group therapy may occur with groups limited to a maximum of 8 clients two times per week during the evenings the use may operate until 8:30 p.m. Only one group session may occur on the site at any one time.
4. The normal hours of operation will be from 9:00 a.m. to 7:00 p.m. daily (Monday-Saturday) with special hours of operation until 8:30 p.m. twice a week, with Sundays for crises or emergencies only.
5. Three on-site parking spaces are required in a conforming configuration and location.
6. Two bicycle racks are required, consistent with the city's Bicycle parking Ordinance for non-residential uses. The bicycle rack parking will be for client use. Therapists will store bicycles inside or park bicycles in the back yard.
7. The applicant shall take pro-active measures (such as pamphlets or email or other regular reminders) for clients to be directed to park along G Street, north of 7<sup>th</sup> Street or in front of the subject property on the north side of 7<sup>th</sup> Street.
8. The therapists shall be directed to park in the tandem spaces and not on the street.
9. Should parking become a problem for the residents of 7<sup>th</sup> Street located between F and G Streets as a direct result of the subject property's professional office use, as determined by the Director of Community Development and Sustainability, the conditional use permit approval may be reviewed by the Planning Commission. The Commission may impose additional conditions of approval to address parking impacts.
10. Any business conducted at the subject site shall be limited to those which comply with the City's Noise Ordinance. Any sustained noise generating activities shall not be audible beyond the property's boundaries.
11. Should noise disturbances cause substantive problems for any adjacent residence as a direct result of the subject property's professional office use, as determined by the Director of Community Development and Sustainability, the conditional use permit approval may be reviewed by Planning Commission. The Commission may impose additional conditions of approval to address noise impacts.
12. Use of shades or other coverings shall be required on all east facing windows to maintain the privacy of the adjacent residential property when clients are present. Shades or window coverings may be open when clients are not present.
13. The front porch on the east side shall be screened with lattice and vines.

14. The property owner shall survey the property to establish the property line for the purposes of determining the accurate placement of fencing.
15. Privacy fence and lattice shall be installed along the driveway. The property owner will work with the adjacent property owner to the east on design and cost.
16. The sidewalk directly in front of the subject site shall be repaired. The extent of the repair, design, and material shall be as required and approved by the Public Works Department. The cost to repair the sidewalk shall be the responsibility of the property owner.
17. The applicant shall obtain all building permits necessary prior to any alterations to the interior of the structure.
18. Appropriate sign approval shall be received prior to installation of any signs on the site.

Motion passed by the following vote:

AYES: Boschken, Braly, Inns, Hague, Hanson  
NOES: Essex  
ABSENT: Choudhuri, Hofmann

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

Cheryl Essex, resident comment on Cannery; cutting down trees; inadequate review; sacrificing our urban forest; should work harder to protect. Planting new trees are great but when you take down a 50-year old tree; lose something; urge commission to think about tree protection.

George Hague: Want to thank Cheryl. Appreciate education given on trees, impressed by applicant to come with everything well prepared including meeting with City arborist.

Marilee Hanson: Recall building on Russell; the trees and shrubs on that property; if you were to replace today, would cost millions. Totally endorse what Cheryl is saying. Thank you Cheryl.

Bob Wolcott: Reported on City Council joint session with Planning Commission on December 17, 2013. Projects needing to be put to PC in earliest stages. More communication throughout the year between CC and PC.

**8. Informational Item**

A. Schedule of Upcoming Meeting Dates

Principal Planner, Bob Wolcott: Pasa Fino- will not be agendized for January 29<sup>th</sup>. Accessory dwelling unit will be heard for the January 29<sup>th</sup> meeting.

**9. Adjournment**

The meeting was adjourned at 8:51 p.m.

Lisa K. Kemmer  
Assistant City Clerk