

**Planning Commission Minutes  
Community Chambers  
Wednesday, November 10, 2010, 7:00 p.m.**

Commissioners Present: Mark Braly (Chairperson), Ananya Choudhuri, Lucas Frerichs (Vice-Chair), Marilee Hanson, Justin Kudo (alternate), Paul Philley, Terry Whittier

Commissioners Absent: Rob Hofmann

Staff Present: Mike Webb, Principal Planner; Ike Njoku, Planner; Eric Lee, Planner; Lynanne Mehlhaff, Planning Technician

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**1. Call to Order**

Chairperson Braly called the “Special” meeting to order at 7:01 p.m.

**2. Approval of Agenda**

The Special Agenda was approved by consensus which included appointing two members from the Planning Commission to serve on the Business Park Task Force.

**3. Staff and Commissioner Comments (No action).**

There were no staff or Commissioner comments.

**4. Public Communications**

There were no public communications.

**5. Consent Items**

**A. Planning Commission Minutes of May 26, 2010**

**Action:** Commissioner Whittier moved approval and Vice-Chair Frerichs seconded the motion. The motion passed 3-0 with Commissioners Kudo, Hanson and Philley abstaining.

**6. Public Hearings**

- A. PA #08-10, 530 E Street, Demolition #02-10, Design Review #03-10, Minor Modification #01-10; (Eric Lee, Assistant Planner)**  
Public Hearing to consider approvals of Demolition, Design Review and Minor Modification applications to allow demolition of a 360 square-foot detached garage and construction of a new 475 square-foot accessory dwelling unit and trellis over a one-car parking space. The new structures would be located in the rear of the property. The new accessory dwelling would have a 7-foot rear yard setback where 10 feet is normally required. The existing driveway provides access and additional required parking. The Minor Modification is needed to allow an increase of up to 10% in the allowable rear yard coverage for the project from 300 square feet to 330 square feet.

Eric Lee, Assistant Planner, presented the staff report.

Chairperson Braly opened the public hearing.

Ty Smalley, Architect, answered questions from Commissioners. He explained the design of the building for the backyard space.

Sheryl Gerety, member of the Old North Davis Neighborhood Association, said the Board was happy with the design of the structure and pleased with the placement of the structure in the rear yard.

Chairperson Braly closed the public hearing.

**Action:** Commissioner Whittier moved approval of staff recommendation to approve the project based on the findings and conditions of approval contained in the staff report. Vice-Chair Frerichs seconded the motion.

**AYES:** Kudo, Whittier, Frerichs, Choudhuri, Hanson, Philley, Braly  
The motion passed unanimously 7 to 0.

- B. PA #58-09, Second Street Plaza, 4510 Second Street, Final Planned Development #2-09, Conditional Use Permit #12-09, Tentative Parcel Map #04-09, Design Review #19-09; (Eric Lee, Assistant Planner)**  
Public Hearing to consider approval of applications for a Final Planned Development and Design Review to develop a vacant light industrial parcel for two new buildings and site improvements consisting of a 4,195 square-foot Chase Bank building and an 8,800 square-foot, multi-tenant light industrial/office building. The project includes a Tentative Parcel

Map to divide the parcel and create two lots; Parcel 1 (0.76 acres) and Parcel 2 (0.92 acres); and a Conditional Use Permit for a drive-through for the Chase Bank building.

Eric Lee, Assistant Planner, presented the staff report.

Chairperson Braly opened the public hearing.

Tim Taylor, on behalf of the applicant for Plesko & Associates, said the bank portion of the property is being built first and the second building will be built at a later time. He described the drive-through lane as needing an 18 foot width, the pass-through lane and how the planter was widened in response to staff comments. He clarified the number of parking spaces and stated the parking spaces were needed right away.

Greg Geary, representative of Chase Bank, said this was the bank's first bicycle drive-through. They have many bank transactions downtown which are above average so would like to provide adequate and convenient parking. They want the maximum amount of parking put in and do not want to put any in landscape reserve. They also want the drive-through lane at 18 feet to be able to accommodate both cars and bikes safely.

Douglas Dohan of Callison Architects, described the proposed drive-through lane at 18 feet wide. He stated in regards to Condition #39, they didn't want the trellis over the drive-through area for security and maintenance reasons. He wanted the entrance centered at the front facade. He said the awning material would be aluminum panels which was a high quality material and not vinyl.

Tim Taylor said they would give up 2 parking spaces for landscape reserve on the other parcel as a compromise but requested all the parking spaces on the Chase parcel as proposed by the applicant.

Staff clarified that in Condition #39 in regards to the canopy, it was meant to better balance the building with the hip roof and there was no intention to modify the main entrance of the building. On the trellis aspect, staff suggested an open trellis over the drive-through to just add more cover for shade and protection of bikes and cars. Staff was open to options and working with the applicant on this condition.

The Architect came back and said they were fine after staff clarification and they were willing to work with staff on both these items of the canopy and trellis.

Chairperson Braly closed the public hearing.

Commissioner comments:

- It would be better for bikes to park off the cul-de-sac and not off 2<sup>nd</sup> Street where there is a horizontal curve.

- It is a good idea that the drive-through bike lane is surfaced with an alternative material rather than just striping or painting. Also, should consider some material that isn't slick when it rains or is wet.
- The bike parking for building A seems to be in spots like "no-mans" land; better locations should be provided.
- Supported the staff approach of putting parking in landscape reserve.

**Action:** Vice-Chair Frerichs moved staff recommendation. Commissioner Whittier seconded the motion for discussion. Vice-Chair Frerichs appreciated the applicant's suggestions of the drive-through lane width at 18 feet but felt 12 feet was sufficient. He also agreed with staff recommendation on the parking reserve spaces since there was parking along Fermi Place. After some discussion, Commissioners agreed that the parking was satisfactory as well as the driveway width of 12 feet.

Commissioner Choudhuri asked for Condition #39 to be clarified and reworded to make the language clearer. Staff reworded the bullet points, for the the first one to say "Better integrate the drive-through canopy into the building architecture and explore ways of extending the canopy to the north to include but not limited to incorporation of a trellis component." Strike out the third bullet completely. The fourth bullet would say "Awning material: Vinyl may not be used." Commissioners agreed.

Commissioner Choudhuri asked about the Initial Study and the CEQA Finding. After some discussion, Mike Webb suggested Finding #2 on page 12 should have the last sentence reworded to "There are no special circumstances or changes in circumstances related to the project or project site that would require further environmental review. Furthermore, the project is consistent with the General Plan EIR and the East Davis Specific Plan EIR prepared for the area and project site."

Webb also suggested the Commission incorporate a finding to bolster the position on the parking and landscape reserve for the entitlements of the Final Planned Development and the Design Review. The suggested finding would read "The parking spaces designated for landscape reserve and/or elimination are designated as such in order to minimize vehicular/pedestrian conflicts and to insure that the overall planning and design will create an environment of sustained desirability and stability in that the impervious surface area of the site will be reduced and the need for parking spaces has not been demonstrated to the satisfaction of the Planning Commission in so far as the minimum parking standards have been met absent the landscape reserve spaces."

Commissioners Frerichs and Whittier agreed with the addition of the finding.

Commissioner Philley mentioned that the insufficient parking finding had been removed from the CEQA checklist so a finding wasn't needed. He also liked the original site plan as shown on page 46 that shows a nice dining patio. He preferred no drive-through on Second Street; would have preferred this designed differently.

Commissioner Hanson was disappointed in the design and would have liked something more creative and interesting. She respected what staff was recommending on the parking. Commissioner Kudo was not unhappy with the proposal but was skeptical on how much bike traffic there would really be out there. He understood the concerns of staff but supported the project.

AYES: Kudo, Whittier, Frerichs, Hanson, Choudhuri, Braly

NOES: Philley

The motion passed 6 to 1.

Planning Commission recessed at 8:49 p.m.

Planning Commission reconvened at 8:56 p.m.

- C. PA #68-09, Willowbank, Unit #10 Development Agreement Amendment, Development Agreement Amendment #9-09 & Modifications to Affordable Housing Plan and Final Planned Development Conditions of Approval; (Ike Njoku, Assistant Planner)**  
Public Hearing to consider an amendment of the Willowbank Unit #10 Development Agreement that includes the following: 1) extension of the term of the DA; 2) reassignment of terms of the DA from the current owner to Warmington Residential California; 3) compliance with Green Building Ordinance in lieu of certain conditions; 4) extension of the timing for Affordable Housing; 5) revision of the assurance for provision of affordable housing units clause; 6) removal of the requirement for provision of bike/pedestrian connections; 7) inclusion of the project complying with the Green House Gas requirements; 8) modifications to Tentative Map, Final Planned Development and Affordable Housing Conditions of Approvals to reflect changes; 9) increased FAR standards for six lots; 10) clarification for the subdivision of the definition of basement/cellar.

Ike Njoku, Assistant Planner, presented the staff report.

Chairperson Braly opened the public hearing.

Lincoln Leaman, Project Manager for Warmington Residential Homes, said they plan to build the project by 2012. He said they met with concerned neighbors regarding the height restrictions for the houses along the west side of the development.

Tom Getty, of Rosario Street, said he was still concerned with the basement/cellar definition on page 12, because the definition does not set where the floor of the first story has to be of a one story house. The definition could allow the actual first story to be significantly above the grade of the lot and therefore a house could be looking into people,s backyards. He said the definition was still inadequate.

Lincoln Leaman said he suggested the finish floor should be limited to 18 inches above grade and that should solve the issue.

Marco, neighbor on Rosario Street, was very concerned because the vacant lot behind him would have a house built close to his fence. He questioned if people changed the grade of the lot then the 18 inches above grade still wouldn't solve the issue.

Bud Harmon, of Rosario Street, said they were assured by the City Council two years ago that the houses all along there would be one story. The house that is under construction is not one-story. The first story of the house starts at the top of the fence. We need uniformity of what the grade should be city-wide.

Chairperson Braly closed the public hearing.

Paul Philley asked the developer if they would be willing to agree to a limitation on a 12-foot plate height for all the houses restricted to one-story.

The developer agreed because he said the plate height was currently proposed at 10 feet for those houses that were restricted to one-story.

Commissioner comments (without Commission consensus):

- Suggested the plate height could be limited to 12-feet for all the houses restricted to one-story.
- Concerned that people can raise the grade of lots by adding dirt; potential problem.
- There was a lot going on here and there wasn't enough time to resolve all the issues. Wanted the language all worked out with the basement/cellar definition. Since this issue has gone on for years, then we should make sure we really make the definition right. We can talk about everything tonight but not decide until later after more research. Proposed that this item should be continued to another meeting before it goes on to City Council.

Staff said they had enough information tonight to modify the basement/cellar definition replace "in place of the two feet above natural grade" be modified to be no more than 18 inches above natural grade and that the Commission recommend to the City Council to consider in addition to this definition a stipulation that on those single-story restricted lots there be a maximum sill height of 12 feet as proposed by Commissioner Philley subject to additional review by staff and City Council.

Chairperson Braly asked the developer if this could be continued to a future meeting.

Lincoln Leaman said due to the City Council schedule, it would affect their close of escrow on the development. This could cause problems with the seller of the property.

Chairperson Braly re-opened the public hearing.

Mr. Getty said the issue of the basement isn't the problem; the problem is the definition with a first story or ground floor and the ground. This definition is giving you a height of a ceiling and not the actual floor. The main concern is the finished floor height.

Staff explained how the revised definition would define the finished floor height, the plate height and the basement dimensions.

Chairperson Braly closed the public hearing.

**Action:** Commissioner Philley moved staff recommendation with the amendments provided by Commissioners for grammar, punctuation, and clarity; and staff will also hold a neighborhood meeting with the residents of Rosario and the applicant to craft the final language that will ensure protection of their homes; and the Commission is recommending the following language that the residents can either accept or reject or work from which says "that the finished first floor shall be no higher than 18" above the grade of the finished lot at the time that the Map was finalized and that the rear plate line of the homes adjacent to Rosario shall be no higher than 12 feet." Commissioner Whittier seconded the motion.

AYES: Kudo, Whittier, Frerichs, Philley, Hanson, Choudhuri, Braly  
The motion passed 7 to 0.

## **7. Business Items**

### **A. Commissioner Liaison Selection to Finance and Budget Commission**

Commissioner Philley said he could do it as long as his schedule permits it. Commissioners agreed by consensus for Commissioner Philley to be the liaison.

### **B. City Council Joint Meeting Topics**

Mike Webb explained the schedule of the upcoming Joint City Council meeting from 5:30-6:30 p.m. on Tuesday, December 7, 2011. All Commissioners stated they were available for the meeting.

Chairperson Braly asked if a subcommittee of three or less people could get together to come up with the topics for discussion. After some discussion, Commissioners Braly, Frerichs and Philley volunteered as the subcommittee.

Commissioner Whittier said he would like to know if there is a budget for sending all the Commissioners to the *Planners Institute* put on by the League of California Cities and would like that as a discussion item with the City Council.

**C. Special Meeting Item “Appointment of Representatives from the Planning Commission to the Business Park Task Force”**

Chairperson Braly volunteered if there were no other volunteers. Commissioners Frerichs, Choudhuri and Philley volunteered. Commissioner Hanson said she would be an alternate if needed. Chairperson Braly withdrew his name. After some discussion, it was decided by consensus that Commissioners Frerichs and Choudhuri would be the regular representatives and Commissioner Hanson would be the alternate.

**8. Informational Items**

- A. Planning Commission Schedule**
- B. Sonoma State Planning Commissioners Conference**

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

Commissioner Whittier suggested that the new Planning Commissioners read the book “The Job of the Planning Commissioner.”

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

There were no public communications.

**11. Adjournment to the next Planning Commission meeting to be held on Tuesday, December 7, 2010 in the Community Chambers (23 Russell Boulevard).**

The meeting was adjourned at approximately 10:50 p.m.