



**Planning Commission Minutes  
Community Chambers  
Wednesday, May 11, 2011, 7:00 p.m.**

Commissioners Present: Mark Braly, Ananya Choudhuri (Chairperson), Lucas Frerichs (Vice-Chair) (7:57 pm), Marilee Hanson, Rob Hofmann, Paul Philley, Terry Whittier

Commissioners Absent: Justin Kudo (alternate)

Staff Present: Mike Webb, Principal Planner; Ike Njoku, Planner/Historic Resources Manager; Cathy Camacho, Planner; Lynanne Mehlhaff, Planning Technician

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**1. Call to Order**

Chairperson Choudhuri called the meeting to order at 7:01 p.m.

**2. Approval of Agenda**

The agenda was approved by consensus.

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

Mike Webb, Principal Planner, gave an update on upcoming City Council business.

**4. Public Communications**

There were no public communications.

**5. Consent Items**

- A. **Planning Commission Minutes of October 27, 2010**
- B. **Planning Commission Minutes of April 27, 2011**

**Action:** Commissioner Philley moved approval of the minutes of October 27, 2010; Commissioner Hanson seconded the motion.

AYES: Philley, Braly, Choudhuri, Hanson  
Abstain: Hofmann, Whittier

The minutes of April 27, 2011 were not available at this time.

**6. Public Hearings**

**A. PA #41-10, 2352 Caravaggio Drive, Conditional Use Permit #08-10, Design Review #16-10; (Ike Njoku, Planner/Historic Resources Manager)**

Public Hearing to consider approval of a Conditional Use Permit and a Design Review to allow a sixth bedroom and a loft addition (290 square feet) to the existing five bedroom, two-story, three-car garage dwelling located at 2352 Caravaggio Drive. The Zoning Ordinance requires a CUP approval for additions, conversion or new construction that results in six or more bedrooms in a dwelling and a Design Review approval for floor area ratio in excess of 40%. The proposal will result in the existing 2,180 square foot building to increase to 2,480 square feet. The floor area ratio for the property will increase from 39.23% to 44.20%.

Ike Njoku, Planner, presented the staff report.

Chairperson Choudhuri opened and closed the public hearing.

**Action:** Commissioner Whittier moved approval of Conditional Use Permit #08-10 and Design Review #16-10 with a second from Commissioner Hofmann. Commissioner Hofmann pointed out that this CUP process is appropriate so that the Commission can review these applications with additional bedrooms.

AYES: Philley, Whittier, Braly, Hofmann, Hanson, Choudhuri  
The motion carried 6 to 0.

**B. PA #39-10, 603 Cantrill Drive, Expression Systems, Zoning Amendment #3-10, Final Planned Development #6-10, Minor Modification #4-10, Design Review #15-10; (Cathy Camacho, Planner)**

Public Hearing to consider approvals of multiple entitlements to develop the 1.24 acre vacant parcel located at the northwest corner of Second Street and Cantrill Drive. Expression Systems is a bio-tech company that cultivates and manufactures cell culture media and is currently located in Woodland, CA. The project proposal includes construction of an approximately 27,484 square foot two-story building for laboratory, manufacturing and office uses.

Cathy Camacho, Planner, presented the staff report.

Chairperson Choudhuri opened the public hearing.

Andy Kwong, Architect for the project, explained the materials of the building and stated the owner was willing to put in parking reserve now rather than the entire parking lot.

Planning Commissioner Lucas Frerichs arrived to the meeting at 7:57 p.m.

David Hedin, owner and President of Expression Systems, explained why they wanted to move their company to Davis.

Chairperson Choudhuri closed the public hearing.

Commissioner comments (but not necessarily with consensus):

- Applauded staff/applicant on the list of key features on page 2, impressive.
- Would like to see pervious paving or some type of plantings in the parking lot since it is so large a parking lot.
- Requested that there could be 2 parking spaces for fuel efficient vehicles such as for electric vehicles.
- Condition #51, Backflow Prevention equipment, is listed twice on pages 23 and 25. Staff said they will delete condition #51, and leave #73 on page 25.
- Davis talks a lot about permeable pavement with no requirements; know it is expensive but wanted to address in the future of when it would be required on future projects.
- Also, we need to examine our bicycle ordinance on minimum standards; create a policy with teeth to it.
- Beautiful project; nice articulation; great addition to the community.

**Action:** Commissioner Phillely moved approval of staff recommendation that the City Council adopt the Ordinance amending PD #2-99C to PD #2-99D; approve Final Planned Development #6-10, Minor Modification #34-10; Design Review #15-10; remove Condition #51 of Conditions of Approval as mentioned earlier and recommend to the City Council that they put eight (8) parking spaces in to landscape reserve. Vice-Chair Frerichs seconded the motion. Commissioner Whittier suggested an amendment of adding a condition for two parking spaces for two electric vehicles per page 34 in the staff report. Staff explained that page 34 was from the applicant and that the new Cal Green Building Code will have a similar requirement. Commissioner Whittier withdrew his amendment.

**AYES:** Phillely, Whittier, Braly, Hofmann, Hanson, Frerichs, Choudhuri  
The motion passed 7 to 0.

Planning Commission recessed at 8:14 p.m.

Planning Commission reconvened at 8:22 p.m.

**C. PA #33-10; 140 B Street, Suite 1, Fast & Easy Mart, Public Convenience or Necessity #03-10, Conditional Use Permit #03-10; (Cathy Camacho, Planner)**

Public Hearing to consider a request that the City of Davis make the determination that the Public Convenience or Necessity (PCN) would be served by the Department of Alcoholic Beverage Control (ABC) issuing a Type 21 Off-Sale license to permit the sale of distilled spirits at Fast & Easy Mart, located at 140 B Street. The convenience store currently holds a Type 20 Off-Sale license, which permits the sale of beer and wine. The applicant is seeking to upgrade the existing license to permit the sale of beer, wine and distilled spirits for off-site consumption. The proposed use would require a Conditional Use Permit.

Cathy Camacho, Planner, presented the staff report.

Chairperson Choudhuri opened the public hearing.

Rodney Cigonovich, retired ABC investigator and currently a consultant for the applicant, explained the census tract and licenses in the area of the project. He said this was a unique location with Picnic Day becoming more of a concern. He said this store does not carry kegs and wants to cater to the older crowd and sell alcohol such as to the local hotel visitors in the neighborhood. Because of the disproportionate amount of on-sale versus off-sale licenses in this census tract, he felt more specific information was needed on this issue. He encouraged the Commission to postpone making a decision tonight.

Commissioner Whittier said he would have to come up with positive findings in order to support approving this project. He found it very hard to come up with positive findings.

Darren Pytel, Davis Police Department, said the issue is with the location of this store. It is a dense area and the area has a large concentration of bars and homeless people at Central Park who go and purchase their alcohol there. It is convenient to get alcohol in this location. He explained the difference between beer/wine and distilled spirits and explained the typical scene at 1:00 a.m. He said there are several different issues here, the homeless population, the people leaving the bars downtown and the University Avenue neighborhood parties in the area. All of the problems stem from lots of drinking. The Fast & Easy store on picnic day was packed with people buying alcohol and the owner needed assistance in clearing their parking lot.

Commissioner Philley asked if hours restrictions on the store would improve the situation. Officer Pytel said he didn't think it would help due to the various problems in the area.

Maynard Skinner, University Avenue neighborhood, said there are a significant number of places with alcohol in the area and there are enough problems with beer and wine but once you add

alcohol, it will just add that many more problems to the existing problems. He stated this application would serve no public convenience or necessity and serves no public good.

Chairperson Choudhuri closed the public hearing.

Commissioner Hofmann said this issue was not an applicant issue; the applicant is a good member of the community. It is the location of the store and the Police Department is recommending denial due to the circumstances he explained earlier at this location.

Commissioner Braly moved denial of the Conditional Use Permit and deny the Public Convenience or Necessity application based on the findings in the staff report. Commissioner Whittier seconded the motion. Commissioner Whittier said he couldn't find justification to approve this with so many alcohol licenses within the area. Commissioner Hofmann said usually we don't like to postpone things but if the applicant and Police Department could work something out, then we may be interested in postponing this application and asked the rest of the Commission. Commissioner Philley agreed that if the applicant would like to be a part of the solution then maybe we could postpone it.

Darren Pytel, Police Department., said he would like to sit down with the applicant and owners and work out restrictions on their current Type 20 license due to all the problems.

Chairperson Choudhuri supported the Police Departments recommendation due to the issues.

Staff Webb said if the PD and Commission want to allow the owners to discuss and work something out then the application could be put on hold. He mentioned the timing would likely be that the next meeting would be in June. So the item could be continued to June.

The applicant said he wished to continue the item for further discussions.

Maynard Skinner spoke for the neighborhood association and stated they had no interest in allowing a Type 21 license at this location; it would be a waste of time to pursue a discussion.

Staff restated the motion to deny the applications based on the findings. Commissioner Philley pointed out that the applicant could come back in a year and apply again and work with the neighborhood in the meantime. Staff noted that there is a 10 day appeal period.

AYES: Philley, Whittier, Braly, Frerichs, Hanson, Hofmann, Choudhuri  
The motion to deny the CUP and PCN passed 7 to 0.

**7. Business Items**

**A. Work Plan Sub-Committee Status Report**

Chairperson Choudhuri said she would like the Planning Commissioners to review this new edited version of the Workplan and turn in comments. She gave an update on the Committee's meeting with Council Members Swanson and Wolk. Council members had re-iterated that the Workplan is to encompass all the General Plan policy documents and not just sustainability.

Commissioners and staff discussed whether to add additional subcommittees in addition to the Sustainability Subcommittee in order to divide up the work. Staff said the City does not have the resources to take on a General Plan Update at this time. Commissioners agreed on reviewing the edited Workplan before the next meeting and then make suggestions to staff and come back to the Commission at the next meeting.

Commissioner Philley asked that the item of permeable paving be added to either the Sustainability Subcommittee or another group to be researched. He also wanted the Workplan to review penalties that the City charges such as when people illegally add on to their homes. The current City penalties do not appear to be sufficient to deter people.

Staff asked that Commissioners review the Workplan document for the next meeting and send in any suggestions or edits as soon as possible. Commissioners concurred.

**8. Informational Items**

**A. Planning Commission Schedule**

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

Mike Webb suggested that the meeting of May 25<sup>th</sup> be cancelled and went over the upcoming meeting schedule.

Commissioner Braly asked the Commission if they could ask staff to come back in a few months with a policy on permeable pavement as a requirement. Staff said they could come back with information on cost and some of the information the city has experienced with its test parking lots of permeable paving with a location map.

Commissioner Philley gave an update on a recent TAG committee meeting.

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

There were no public communications.

**11. Adjournment to the next Planning Commission meeting to be held on Tuesday, June 8, 2011 in the Community Chambers (23 Russell Boulevard).**

The meeting was adjourned at approximately 10:03 p.m.