

**Planning Commission Minutes
Community Chambers
Wednesday, June 22, 2011, 7:00 p.m.**

Commissioners Present: Ananya Choudhuri (Chairperson), Marilee Hanson, Rob Hofmann, Terry Whittier

Commissioners Absent: Paul Philley, Mark Braly, Justin Kudo, Lucas Frerichs

Staff Present: Mike Webb, Principal Planner; Cathy Camacho, Planner; Lynanne Mehlhaff, Planning Technician

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 the Cannery Park project. The City Council gave staff direction to receive a full application from the applicant with a full project description, site plan and begin the EIR process.

Chairperson Choudhuri said she would like to have more than one weekend to review a Draft EIR. Staff agreed.

4. Public Communications

There were no public communications.

5. Consent Items

- A. **Planning Commission Minutes of November 10, 2010**
- B. **Planning Commission Minutes of April 27, 2011**

The minutes of April 27, 2011 were not available.

Action: Commissioner Whittier moved approval of the November 10, 2010 minutes. Commissioner Hanson seconded the motion.

AYES: Whittier, Hanson, Choudhuri

Abstain: Hofmann

The motion passed unanimously 3-0-1.

6. Public Hearings

A. PA #51-10, 1808 Oceano Way, Conditional Use Permit #09-09; (Eric Lee, Planner)

Public Hearing to consider approval of a Conditional Use Permit to construct a seven bedroom single-family home at 1808 Oceano Way. The proposed project will construct a new two-story, single-family dwelling on a currently vacant 10,832 square foot lot. The conditional use permit addresses internal modifications to a house currently under construction and will not change the exterior design or any of the calculations from the approved building plans. The proposal to construct the seven bedroom home will not exceed zoning requirements for lot coverage (40%) or open space (25%). The project also meets the parking requirements for five parking spaces for a seven bedroom house.

Chairperson Choudhuri opened and continued the public hearing to July 13, 2011.

B. PA #53-10, 1909 Galileo Court, Conditional Use Permit #11-10; (Cathy Camacho, Planner)

Public Hearing to consider approval of a Conditional Use Permit to allow the Peregrine School to operate a private first through sixth grade elementary school at 1909 Galileo Court. Los Rios Community College currently occupies a majority of the building at 1909 Galileo Court but plans to move to a new facility at the new west campus of UC Davis in January 2012. Peregrine Elementary School plans to occupy half the space that Los Rios Community College now occupies which would be approximately 4,500 square feet. The hours of operation of the school would be Mondays-Fridays 9am-3 pm with before/after school care from 8 am to 6 pm. Part of the rear parking lot will be converted to a playground area leaving the remainder of the parking lot with 61 parking spaces. There will be no exterior changes to the existing building.

Chairperson Choudhuri opened and continued the public hearing to July 13, 2011.

C. PA #57-08, 771 Bianco Court, Revised Final Planned Development

#3-08; (Cathy Camacho)

Public Hearing to consider approval of a Revised Final Planned Development for the property located at 771 Bianco Court. The purpose of the requested entitlement would be to resolve a zoning issue investigated by the City Code Compliance Division. Specifically, the zoning amendment would allow the applicant to retain a carport constructed on the property that does not meet the required accessory structure setbacks. Approval of the RFPD would be a first step in resolving the code violation on the property.

Cathy Camacho, Planner, presented the staff report.

Chairperson Choudhuri opened the public hearing.

Judith Sammern, applicant and owner of the property, said she wanted the carport because of all the trees that dropped things on their cars in the driveway. They had earlier done a garage conversion. She had an Engineer look at the carport and deemed it safe. She said there were no impacts from the carport due to the location on her lot which was at the end of the street next to a visitor parking lot.

Chairperson Choudhuri closed the public hearing.

Commissioner comments (but not necessarily with consensus):

- Because of the shape of this lot, it should have special consideration and therefore there is no reason to not approve this location of the carport.
- There were serious reasons for not approving this because someone could come along and fill in the carport with living space in the future.
- Commissioners asked about continuing the project to the next Planning Commission meeting when more Commissioners were available.

Staff said that the carport could be conditioned so it couldn't be enclosed in the future if the Commission wishes that be added.

Action: Commissioner Whittier supported the project and moved approval of the Revised Final Planned Development for this project.

Commissioner Hofmann said he was not enthusiastic about people coming in after the fact to get approvals but in this instance there seemed to be no impacts from the project and was more supportive of the process. He seconded the motion and requested that the conditions of approval clarify that the carport must remain a carport and not be used for any other use.

Commissioner Whittier agreed that a condition be added as such.

Chairperson Choudhuri said she couldn't support the project for a lot of reasons. Commissioner Hanson was disturbed and pointed out that when people start filling in their garages and property, then they start pushing out onto their property and filling it all in. The greenbelts of

Davis are jewels for Davis and need to be preserved and their attractiveness maintained. Just because your property abuts a greenbelt doesn't mean you should be able to expand your property against the greenbelt. She also stated it was not easy to "pretend" that this was a new project with nothing there when these people had already built it and put money in to it. She felt staff should be a lot more stringent in situations like this. Also, she realized only one person filed a complaint but there could be more because neighbors are self-conscious about complaining.

Staff explained that the Commission review should be based on the land use merits of the project and the required findings. Staff also explained the options to the Commission on the procedure on continuing the project to a date certain or voting on the project.

AYES: Whittier; Hofmann
NOES: Choudhuri
Abstain: Hanson

The motion to approve the project passed 2-1-1.

Commissioner Hanson asked to re-vote because she misunderstood the rules on how the votes were counted and wanted to vote the correct way.

Staff agreed to re-do the voting and Commissioners did not object.

The motion to approve the project was voted on again:

AYES: Whittier, Hofmann
NOES: Hanson, Choudhuri

The motion was 2 to 2 resulting in no action, therefore the project is denied.

Staff announced that the project has a 10-day appeal period.

Chairperson Choudhuri said she agreed with Commissioner Hanson that staff should be more stringent with these projects before they come before the Planning Commission. It is awkward for the Commission to be in this position.

Staff said these comments would be passed on to the City Council if the project is appealed.

7. Business Items

A. Commission Work Plan

Chair Choudhuri said it would be better to have all the Commission here tonight to go over the Commission Workplan. Commissioners were in consensus to wait for more Commissioners to be available to give their input.

8. Informational Items

A. Planning Commission Schedule

Staff went over the future Commission schedule.

9. Staff and Commissioner Comments (continued).

Chairperson Choudhuri said the Business Park Task Force were going to the bay area to look at a couple of different business parks.

10. Public Communications (continued).

There were no public communications.

11. Adjournment to the next Planning Commission meeting to be held on Tuesday, July 13, 2011 in the Community Chambers (23 Russell Boulevard).

The meeting was adjourned at approximately 8:11 p.m.