



**Planning Commission Minutes
Community Chambers
Wednesday, July 13, 2011, 7:00 p.m.**

Commissioners Present: Mark Braly, Ananya Choudhuri (Chairperson), Lucas Frerichs (Vice-Chair), Marilee Hanson (7:22 pm), Rob Hofmann, Justin Kudo (alternate), Paul Philley, Terry Whittier

Commissioners Absent: None

Staff Present: Cathy Camacho, Planner; Eric Lee, Assistant Planner, Lynanne Mehlhaff, Planning Technician

1. Call to Order

Chairperson Choudhuri called the meeting to order at 7:03 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Staff and Commissioner Comments (No action).

Cathy Camacho, Planner, announced that the applicant of 771 Bianco Court filed an appeal regarding their Revised Final Planned Development application.

Commissioner Braly announced that there will be a workshop on “Energy Upgrade California” tomorrow night at 7:00 p.m. in the Chambers and welcomed the public and all Commissioners.

4. Public Communications

There were no public communications.

5. Consent Items

- A. Planning Commission Minutes of April 27, 2011
- B. Planning Commission Minutes of June 22, 2011

Action: Commissioner Whittier moved approval of both sets of minutes. Vice-Chair Frerichs seconded the motion with a correction to page 4 of the April 27th minutes, to change the meeting time to 5 to 7 pm.

AYES: Choudhuri, Whittier, Hofmann for June 22nd; Choudhuri, Whittier, Braly, Philley, Kudo, Frerichs for April 27th.

NOES: None

Abstain: Hofmann on April 27th; Philley, Braly, Kudo, Frerichs on June 22nd.

The motion passed by consensus.

6. Public Hearings

A. 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 27, 2011.

B. PA #56-10, 2727 Second Street, Revised Conditional Use Permit #12-10, Metro PCS; (Cathy Camacho, Planner)

Public Hearing to consider approval of a Revised Conditional Use Permit in order to increase the size of the existing six antennas from 51" in length to 81" in length, 7.7" in width, and 4.8" in depth, and vertically-mounted on the existing monopole. The new equipment cabinet would be 72" tall, 36" wide, and 36" deep, and would be placed on the existing concrete pad adjacent to the ground equipment cabinets. The lease area and monopole would not be expanded.

Cathy Camacho, Planner, presented the staff report.

Chairperson Choudhuri opened the public hearing.

Ken Crouse, on behalf of Metro PCS, said that Metro PCS agreed with the findings and conditions as stated in the staff report.

Action: Commissioner Braly moved approval of Revised Conditional Use Permit #12-10 to replace three panel antennas and install one additional equipment cabinet. Vice-Chair Frerichs seconded the motion.

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

C. PA #60-10, 1514 Olympic Drive, Revised Final Planned Development #8-10; (Eric Lee, Assistant Planner)

Public Hearing to consider approval of a Revised Final Planned Development to reduce the required second story front yard setback from 19 feet to approximately 15 feet for an interior loft to match the existing first story setback. The existing two-story dwelling contains four bedrooms on a 4,379 square-foot parcel located at 1514 Olympic Drive. The reduced second story setback would allow a 36 square-foot expansion to a loft within the existing airspace of the home. The building footprint and exterior elevations are unaffected by the project. No window changes and no new bedrooms are proposed.

Eric Lee, Assistant Planner, presented the staff report.

Chairperson Choudhuri opened the public hearing.

Lance Buck, Project Coordinator, explained how the applicant was just extending the floor of a loft to make the space more useable.

Chairperson Choudhuri closed the public hearing

Action: Commissioner Whittier moved approval of Revised Final Planned Development #8-10 to reduce the required second story front yard setback from 19 feet to 15 feet for an interior loft to match the first story setback. Vice-Chair Frerichs seconded the motion.

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

Commissioner Hanson arrived to the meeting at 7:22 p.m.

D. PA #51-10, 1808 Oceano Way, Conditional Use Permit #09-10; (Eric Lee, Assistant 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.

Eric Lee, Assistant Planner, presented the staff report.

Chairperson Choudhuri opened the public hearing.

Frank Skover, Contractor for the project, described the layout of the house. He said the house could never be rented due to the taxes and cost of the home. The owners just wanted the family room closed in so there wouldn't be noise carried downstairs.

Ken Chan, speaking on behalf for his son who is the owner, explained the approval of the design by the Home Owners Association. He explained how just his son and wife, a new baby, and the Grandparents will be living in the home.

Carl Schwedler, Board of Directors of the Home Owners Association, explained that they only look at the design and a number of things per their CC&R's. They do not have the authority to decide on the number of bedrooms. It was presented as five bedrooms. His only concerns were whether the house was appropriate to the neighborhood as well as the use of the house now or in the future.

Jack, neighbor in Lake Alhambra Estates, said the person who got an approval with 6 bedrooms in this neighborhood had a special needs child and four children. He said he was concerned that with 7 bedrooms, there could potentially be more drivers in the house and it could result in parking issues. He pointed out that the applicant has another house in Davis which is a rental. His concerns are what will happen with the house in the future. He wondered why if the owners claimed they won't use the additional rooms as sleeping quarters, why the rooms need to be closed in with doors.

Mike Levy, nearby neighbor, said the character of the neighborhood is predominantly small children. His concerns were that the house could easily be rented out to college students. He was told by the parents of the owners that they needed the upstairs room enclosed due to a sound system. College students will live in any room whether it has glass doors or not. If the house was rented, it would be a very large rental and create impacts.

Leon Schimmel, neighbor, was concerned with having seven bedrooms. It feels like a multi-family residence rather than a single family residence. He respectfully requested that the Commission deny the CUP because the ownership of the house could change anytime in the future and the use could expand due to the size of the house.

Kerry Stolz, neighbor nearby, was concerned with the 7 bedrooms because she has seen people live in all kinds of rooms and places in town. She is terrified at the prospect that this house could turn in to something with lots of people. She asked the Commission to help keep this a family neighborhood with a five bedroom house and not a seven bedroom house.

Ken Chan, representing the owner, said the four car garage is not a problem, it is unlikely that the cars would all come out at the same time. He also passed out a diagram showing houses that had 7 bedrooms in the neighborhood.

Chairperson Choudhuri closed the public hearing.

Commissioner comments (but not necessarily with consensus):

- It seems that this request now after it is framed is puzzling; why didn't they request this to begin with when the plans were first done?
- Not persuaded to support the CUP, the owners do not live in town currently.
- Not convinced that the owners need the space change. As stated earlier, college students will stay in any type of room whether there are doors or not.
- Didn't see the needed change to the space but the point of the ordinance was not written for this situation. The house has adequate living space.
- The proposed house with up to seven bedrooms would not be that different from other large houses in the neighborhood with six or more bedrooms.
- Acknowledged the issues raised by neighbors but students may not particularly be interested in living in a property this far from the University.
- The family need for the additional rooms is not a finding and can change in the future or for different owners so this should not be a determining factor in support or denial.
- It should be okay to have enclosed rooms in the house which are not bedrooms.
- This is a large house and can accommodate the additional rooms and is unlikely to be rented to students.
- CC&R's and an active association should be able to help control problems if they come up.
- The required findings can be made.
- Other six or more bedroom houses in neighborhood were built before the ordinance went into effect.
- Rental use of the property is a concern.

Action: Commissioner Whittier moved that the Conditional Use Permit be approved with the following two changes: Conditions of Approval #11 be changed from six bedrooms to seven bedrooms and Condition #12 state that the applicant shall remove the closet only, and delete the remainder of that condition. Commissioner Philley seconded the motion.

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

The motion failed 2-4-1.

Commissioner Braly moved denial of Conditional Use Permit #09-10 for seven bedrooms, leaving the original approval at five bedrooms. Vice-Chair Frerichs seconded the motion.

AYES: Braly, Frerichs, Hanson, Choudhuri
NOES: Philley, Whittier, Hofmann

The motion passed 4 to 3.

7. Business Items

A. Commission Work Plan

Chairperson Choudhuri asked if anyone had comments on the work plan.

Commissioner Philley requested that the definition of “bedroom” be clarified. Vice-Chair Frerichs said we could add it here on the workplan along with other definitions such as fence under the section “Zoning Ordinance”.

Vice-Chair Frerichs pointed out that some of the “Task Force Participation” items have timelines that aren’t realistic showing ending dates in December 2011, such as the TAG. This should be corrected.

Commissioner Braly said we need to talk about who the “primary responsibility” is specifically for each item as listed on the work plan.

Vice-Chair Frerichs advocated for interns to help the Commission subcommittees work on some of these items such as University interns.

Commissioner Hofmann asked staff to clarify what the timing is on these items and who on what committees are going to work on these items before the Commission approves the Workplan.

Vice-Chair Frerichs agreed that we should postpone approving this until we get some clarification on some things such as the Zoning Ordinance and whether staff and a subcommittee can work on it. Commissioner Hanson requested that we ask for staff help on the Sustainability Committee; would like to put off approving this and discuss getting more staff help in the future.

Chairperson Choudhuri asked Commissioners to make comments to staff member Mike Webb by July 20th so that the Workplan can be updated and discussed at the next Planning Commission meeting.

8. Informational Items

A. Planning Commission Schedule

Commissioner Whittier said he will be out of town for the August 3rd meeting.

Commissioner Kudo announced that he will be moving out of town in August so that his last meeting will be on August 3rd.

9. Staff and Commissioner Comments (continued).

Commissioner Philley as liaison to the Budget and Finance Commission said that City staff has been asked to do a \$2.5 million in cuts to personnel and there will be a public meeting regarding this sometime before September. Commissions will also be consulted on various program changes.

Commissioner Philley also gave an update on the Technical Advisory Committee on the update of the TCIP on the project timeline.

10. Public Communications (continued).

There were no public communications.

11. Adjournment to the next Planning Commission meeting to be held on Wednesday, July 27, 2011 in the Community Chambers (23 Russell Boulevard).

The meeting was adjourned at approximately 9:27 p.m.