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City awaits guidelines for in-fill

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The Davis City Council has put in-fill proposals in Old North Davis on hold until neighborhood design guidelines are in place.

Three such proposals have surfaced in the past year. A guest house at 611 E St. was approved on an appeal to the City Council last July. In December, the **commission** voted 6-0 to reject a proposal to build a garage with a second-story dwelling unit in the rear yard of a home at 617 D St.

And last month the **commission** approved a second dwelling unit across the street, at 620 D St. Council members heard an appeal of that approval on Wednesday.

Members of the city's planning staff had recommended, in all three cases, that the projects be approved.

Following a more than two-hour hearing on the matter, the council voted 3-1 Wednesday to uphold an appeal filed by D Street neighbor Dan Quickert, who was unhappy that the view of **trees** and sky from his back yard would be blocked if his neighbors, Tom and Tor Cross, built the second dwelling unit above a detached garage that they proposed.

Quickert believes the project is out of scale with the neighborhood, which consists of many small, single-story cottages on small lots. He also argued that approval of the project would lead to strong pressure for many more projects of this same scale.

The Crosses planned to construct an approximately 390-square-foot second dwelling unit above a detached 486-square-foot garage. The **commission** approved the project in February on a vote of 4-3.

The council chose to deny the project without prejudice, meaning at a future date the applicants can try again and their application fees will be waived.

Councilwoman Susie Boyd is a nearby homeowner, so she did not vote, citing a conflict of interest. Councilwoman Sheryl Freeman cast the dissenting vote.

"I think at some point if we really believe we're going to not sprawl and we're going to preserve farm land, we've got to bite the bullet," Freeman said.

Councilman Stan Forbes made the motion, saying the in-fill burden should be placed on the applicant. Since one-story projects impact the property owner and two-story projects impact neighbors, he said he would urge that policies be adopted to encourage one-story accessory structures.

Councilman Ken Wagstaff seconded the motion, citing what he called "compelling reasons" to uphold the appeal.

While he said he supports growing "up, not out," he believes if the 620 D St. project were approved it would set a precedent for other neighbors to move ahead before neighborhood design guidelines are in effect.

He also said the neighbors have a legitimate concern relating to the project's overall mass. The Crosses moved from a 1,200-square-foot apartment into a 900-square-foot home at 620 D St. that they purchased just over a year ago.

Now, they are nearing completion of a remodel, in which they added a second story. The main house is now roughly 1,900 square feet.

Mayor Julie Partansky said since the majority of the surrounding neighbors are not happy with the project, "there's something that needs to be fixed here."

She agreed that when it comes to in-fill, the property owners should feel a greater impact than the neighbors. She also said the city should wait for the design guideline process to be completed.

"We need to have some sort of fairness here," she added, referring to the fact that Stephen Russell and Scott Neeley of 617 D St., were denied a second dwelling unit in December and they chose not to appeal the project to the council, aiming instead to wait until guidelines are developed.

Neeley said Wednesday that the project at 620 D St. is taller and makes a larger "footprint" than his project, which was denied. He said when some projects go forward and others don't, citizens may perceive the process to be arbitrary or discriminatory.

"It undermines the neighborhood involvement and trust in the process," he said.

The Davis Historical Resources Management **Commission** is in the process of drafting guidelines for a conservation district in Central Davis. The guidelines may include design recommendations for new construction and renovation of residential structures.

While the city's Parks Department is handling this process, Planning Director Bill Emlen said guidelines may be drafted by this summer. City Attorney Harriet Steiner said the guidelines should clarify what the rules are for in-fill projects.

In order to uphold the appeal, the council made a finding that the second unit at 620 D St. would "constitute a nuisance or be detrimental to the public welfare due to disruption of predominant neighborhood pattern ... as evidenced in the current proposal by excessive second-story building elements covering a greater proportion of the lots than neighboring properties."

The council majority took into account that there would be two, two-story structures on the property.

City planners, on the other hand, say the property and neighborhood are suitable for one- and two-story accessory structures. At 22 feet, 10 inches in height, the building is well under the maximum allowable height of 30 feet, a staff report indicates.

Quicker said, "Let's be neighborly about in-fill."

He raised several concerns about a landmark **tree** on the property, which he said has already been harmed as a result of the ongoing remodel. The property owners said the city's arborist has been out twice and reported no problems.

More than 10 people spoke on the matter. Several said the city's decisions relating to in-fill appear to be arbitrary.

Emlen emphasized that city staff recommended that all three projects be approved since, for starters, they were consistent with General Plan policies encouraging in-fill and they were "quality projects."

Thursday, March 23, 2000

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