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# THE DAVIS enterprise

YOLO COUNTY NEWS



Parking at this colorful office on Seventh Street is one of the subjects of a lawsuit filed by the next-door neighbor, former City Councilman Michael Harrington. Dave Ryan/Enterprise photo

## Local News

# Harrington's lawsuit challenges parking spaces

By **Dave Ryan** From page A1 | January 13, 2015

A facet of an ongoing civil lawsuit is about to park in front of the City Council.

Michael Harrington, a local attorney and former councilman, is fighting his next-door neighbor on Seventh Street in court, saying the 1,200-square-foot, purple therapist's office is not a permitted use of the property in a residential neighborhood.

The lawsuit is old news from last year, but what the council must decide tonight is one part of that debate: Did city staff, in its wisdom, do the right thing when it said the parking situation was good and well?

The house in question was legally converted from a residence to a business providing acupuncture and massage therapy in 2003. It had a conditional use permit that expired six months after that business closed in 2011.

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In October 2013, the owners of the building applied for a new permit to house a therapist's office there. In January 2014, the Planning Commission approved the permit by a vote of 5-1. A couple of weeks later, Harrington filed an appeal of the action and in February the council voted to uphold the commission's decision.

Subsequent to that action, Harrington filed a lawsuit against the city.

One aspect on which Harrington's lawsuit focused is whether the professional office has met the city's parking rules — particularly in regard to having a space for van parking used for the disabled — and asked city staff to clarify.

City staff replied that the California building code requires an accessibility requirement of 20 percent of the valuation of the project for projects that aren't more valuable than an established threshold. The 20-percent number came out to \$1,800 out of a total project value of \$9,000. To meet the obligation, city staff said the house had to have an accessible primary entrance, a ramp from the public right-of-way and an accessible bathroom.

The previous property owner paved a portion of the front yard in an effort to provide an accessible parking space, but the action was not required by the building code or the city permit.

The house must have three parking spaces available, which are provided on the two-car tandem driveway and a single-car garage in the back. City staff said none for the parking spaces encroach on the 20-foot front yard setback, which would have been against zoning regulations.

Another aspect of the lawsuit that the court will decide is whether the city acted properly in issuing a permit for a professional office.

The council must decide tonight whether staff acted properly with the parking issue, and whether Harrington's appeal of the parking findings have merit. The other issues are left for the court to figure out.

Harrington has been a frequent thorn in the city's side in recent years, not only filing a lawsuit against the controversial consumption-based water rates in 2013, but a couple of years before pushing for a referendum against other water rates that would have paid for the new Sacramento River surface water project that will supply Davis, Woodland and UC Davis.

The lawsuit was settled with a list of agreed-upon actions for the city to make, including helping low-income residents. The

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referendum push successfully drove the council of the time to begin a process to redo the water rates.

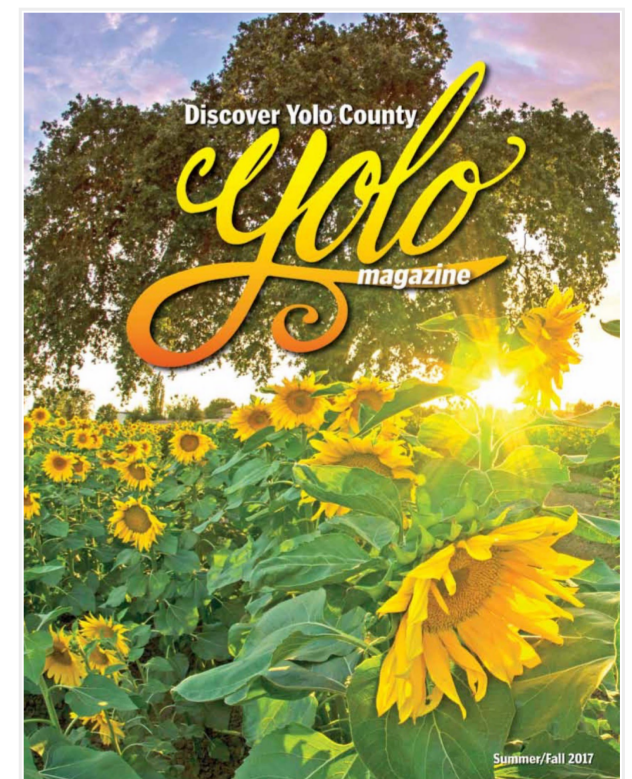
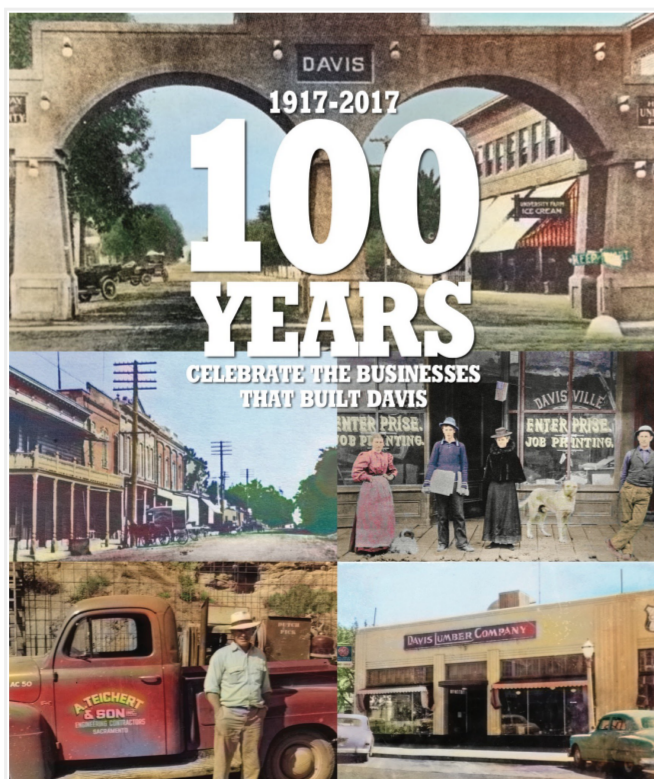
— Reach Dave Ryan at [dryan@davisenterprise.net](mailto:dryan@davisenterprise.net) or 530-747-8057. Follow him on Twitter at [@davewritesnews](https://twitter.com/davewritesnews)

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