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YOLO COUNTY NEWS

Local News

Old North Davis joins parking lawsuit against city

By **Dave Ryan**

From page A1 | July 29, 2015

A lawsuit against the city about allowing a single disabled parking space got a whole lot more interesting Monday.

Local attorney Michael Harrington is fighting the city over a decision he says in court documents could set a precedent for commercialization of his residential neighborhood, and the Old North Davis Neighborhood Association has just joined his cause with an amicus brief on Monday.

The neighborhood association filed the brief to join Harrington's lawsuit — originally filed last year — although the property in question sits a few yards outside the association's boundaries.

Nonetheless, the move gives proof to growing concern among some Central Davis residents along the downtown periphery that the city may allow commercialization of residential neighborhoods just outside downtown using conditional-use permits sought by businesses.

The association was created to protect the character of older and historic Central Davis neighborhoods with applicable design standards instituted over time.

The Old North Davis Neighborhood Association recently had a change in its board of directors following an election established under association rules. Many new faces in the neighborhood with new ideas sought to become board leaders, and some were elected to vacant positions. Residents also chose Steve Tracy to remain as president of the board and historian Dennis Dingemans to remain as board secretary. Tracy has been a vocal advocate for the Davis Bicycles! group, and has held the



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presidency for a few years.

According to court documents, Tracy spoke before the Davis Planning Commission to oppose the conditional-use permit sought by therapist Catherine LeBlanc, whose office is at 717 Seventh St., for the same reasons that Harrington filed suit against the city.

The plaintiffs in the case want the city to use zoning changes or variances instead — a much more laborious process for commercializing residential uses than filing for a conditional-use permit.

The lawsuit is technically a fight over the correct kind of single disabled parking space the therapist's office on Seventh Street should be allowed to have. But really, it's a battle over LeBlanc's 1,200-square-foot therapist's office as to whether it is a permitted use of the property in a residential-zoned neighborhood.

LeBlanc and her lawyers are caught in the crossfire between the city and the plaintiffs, and supporters of her quiet, unobtrusive office have sent letters to City Council members in the past, urging the council to allow her therapy business there to exist.

So far, the council has done everything it can to uphold the Planning Commission's decision to essentially allow the business to locate there.

Davis City Attorney Harriet Steiner did not return a request for comment by press time.

The home in question was converted in 2003 from a residence to a business providing acupuncture and massage therapy. According to the city, a conditional-use permit for that business expired six months after it closed in 2011.

In October 2013, the owners of the building applied for a new permit to house a therapy office there.



In January 2014, the Planning Commission approved the permit on a 5-1 vote. A couple of weeks later, Harrington appealed the action, claiming the city was illegally grandfathering in an old permit, and in February the council voted to uphold the commission's decision.

In January, the council reaffirmed its own action in a vote that took seconds to finish and no discussion, a necessary move if the city is to maintain its legal position on the case.

The case is scheduled to be heard by Yolo Superior Court Judge Timothy Fall at 9 a.m. on Oct. 14.

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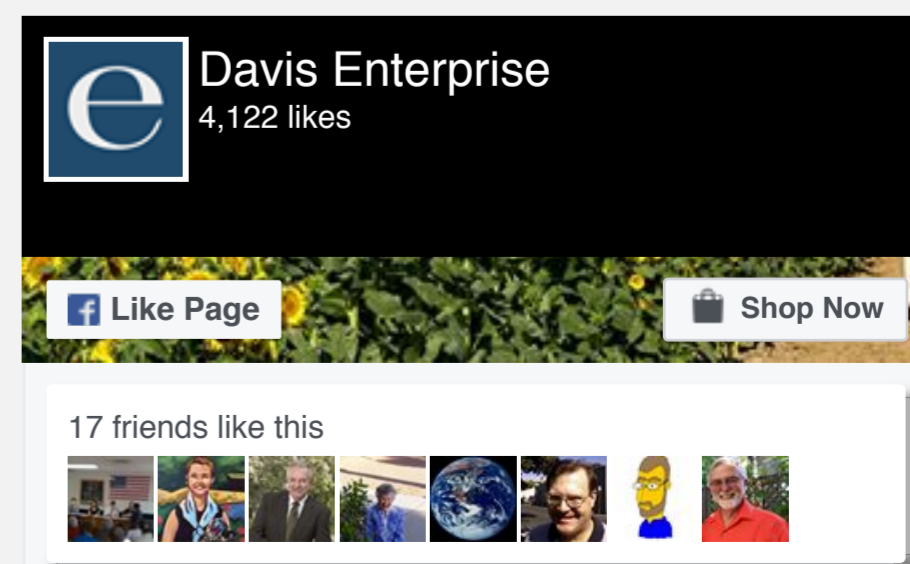
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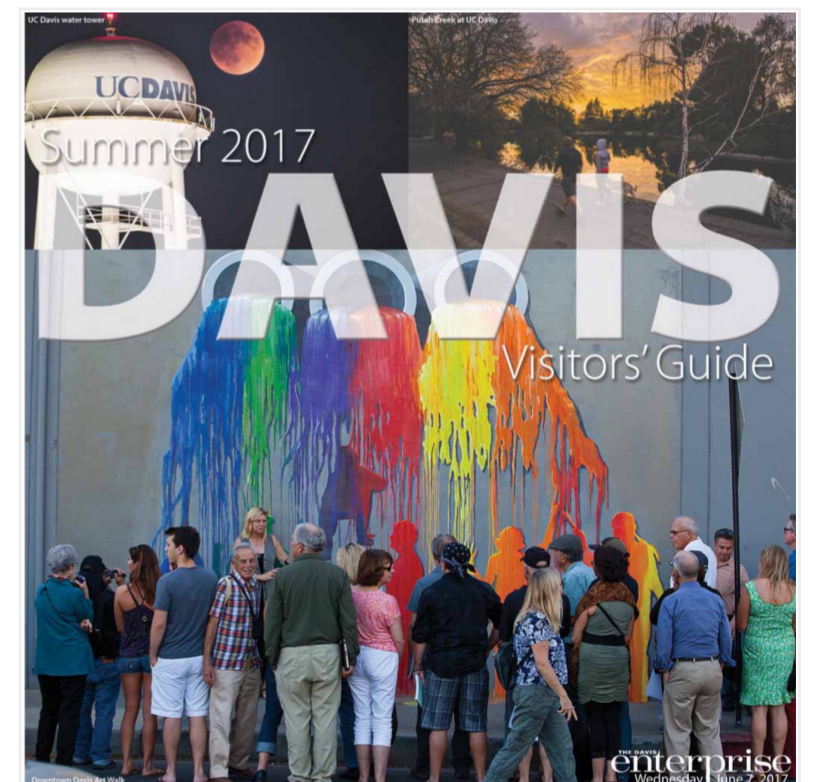
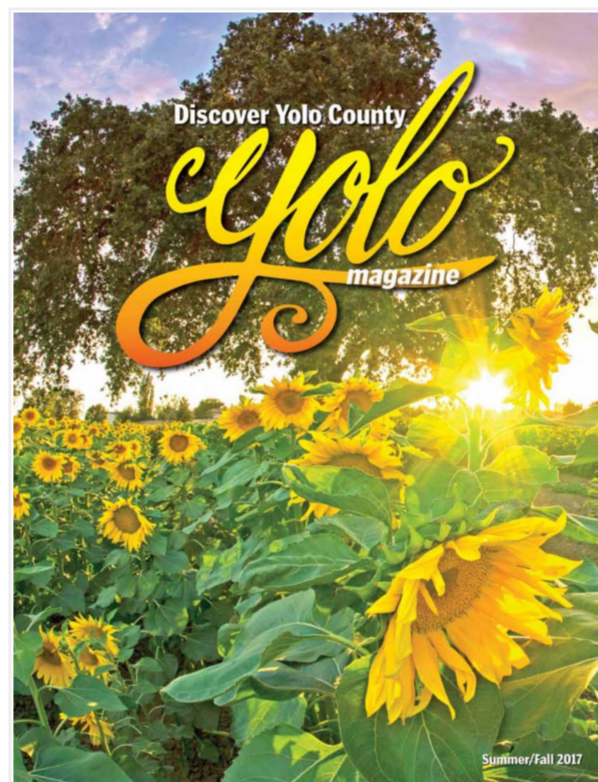
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