

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
May 7, 2009
7:00 p.m.

COMMISSION MEMBERS

Virginia Finlay, Chair
Jeff Lee, Secretary
Jovanka Beckles
Carol Teltschick-Fall

Vice Chair Nagarajo Rao
Charles Duncan
Sheryl Lane

The meeting was called to order by Chair Finlay at 7:00 p.m.

Vice Chair Rao led in the Pledge of Allegiance.

Chair Finlay introduced and welcomed new Planning Commissioners, Carol Teltschick-Fall, Jovanka Beckles, and Sheryl Lane

ROLL CALL

Present: Chair Finlay, Vice Chair Rao, Secretary Lee and Commissioners Duncan, Beckles, Lane and Teltschick-Fall

Absent: None

INTRODUCTIONS

Staff Present: Janet Harbin, Hector Rojas, Mary Renfro and Richard Mitchell

MINUTES

April 5, 2007

Chair Finlay submitted minor corrections to the minutes.

ACTION: It was M/S (Rao/Lee) to approve the minutes of April 5, 2007; unanimously approved (Duncan, Beckles, Lane and Telstchick-Fall abstained).
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January 22, 2009

Chair Finlay submitted minor corrections to the minutes.

ACTION: It was M/S (Rao/Duncan) to approve the minutes of January 22, 2009; unanimously approved (Beckles, Lane and Telstchick-Fall abstained).
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February 5, 2009

Chair Finlay submitted minor corrections to the minutes.

ACTION: It was M/S (Lee/Rao) to approve the minutes of February 5, 2009; unanimously approved (Beckles, Lane and Telstchick-Fall abstained).

March 5, 2009

ACTION: It was M/S (Rao/Lee) to approve the minutes of March 5, 2009; unanimously approved (Beckles, Lane and Telstchick-Fall abstained).

CONSENT CALENDAR

Chair Finlay provided an overview of the Consent Calendar, meeting procedures for speaker registration and public hearing functions and procedures. She said certain items approved by the Commission may be appealed in writing to the City Clerk by Monday, May 18, 2009, by 5:00 p.m.

Chair Finlay noted that the Consent Calendar consisted of Items 1, 2 and 3. Ms. Harbin said the recommendation for Items 1 and 2 were for hold-over to June 4, 2009. She briefly described Item 3 and confirmed that 4 speakers were signed up to speak. Vice Chair Rao requested removal of Item 3.

ACTION: It was M/S (Duncan/Lee) to adopt the Consent Calendar consisting of Items 1 and 2; unanimously approved.

Items Approved:

- 1. CU 1104701 – Aiming Huang Liu, Conditional Use Permit for a Therapeutic Massage Establishment at 10525 and 10527 San Pablo Avenue - PUBLIC HEARING** to consider a Conditional Use Permit request to operate a therapeutic massage establishment located at 10525 and 10527 San Pablo Avenue (APN: 507-080-017). C-2, General Commercial District. Aiming Huang Liu, owner/applicant. Planner: Hector Lopez. Tentative Recommendation: Hold Over To 6/4/2009.
- 2. CU 1104638 – Hiu Ping Liu, Conditional Use Permit for a Therapeutic Massage Establishment at 10819 San Pablo Avenue - PUBLIC HEARING** to consider a Conditional Use Permit request to operate a therapeutic massage establishment located at 10819 San Pablo Avenue (APN: 508-332-016). C-2, General Commercial District. Hiu Ping Liu, owner/applicant. Planner: Hector Lopez. Tentative Recommendation: Hold Over To 6/4/2009.

Brown Act – No speakers

Item Discussed:

- 3. PLN 09-049 – West County Community High School Relocation, Conditional Use Permit for Charter School at 777 Sonoma Street - PUBLIC HEARING** to consider a Conditional Use Permit for relocation of a charter high school to an existing church complex located at 777 Sonoma Street (APN: 523-074-025). SFR-3, Single-Family Low Density

Residential District. Yiu-Mienh Baptist Church, owner; Timothy J. Banuelos, applicant. Planner: Hector Rojas. Tentative Recommendation: Conditional Approval.

Hector Rojas gave the staff report and described the request to relocate West County Community High School for a Charter School at 777 Sonoma Street, stating that the school hopes to re-open in August. He described school instructional hours, improvements shown in the project plans and staff report, noted residents have voiced concerns with traffic and noise impacts and the church meeting building code requirements for school use. Staff recommends the Planning Commission require school dances be limited to 2 dances per calendar year to occur on Friday evenings only and conclude prior to 10:00 p.m. (Condition #7 of the resolution).

He noted that Exhibit D is a preliminary code analysis by a registered architect which concludes that the church facilities will meet Richmond's E building code requirements upon completion of tenant improvements, which will be done prior to occupancy. Staff recommends the requirement of a full code analysis to be performed and submitted to the Building Division for review as part of the school's application for building permits (Condition #8). Based upon staff's analysis, the high school is compatible with existing area uses and site improvements meet all applicable zoning requirements including parking and recommends the Planning Commission approve the CUP subject to conditions of approval.

Commissioner Duncan referred to page 1: Statement of Issue, and page 3 of the resolution. He said page 1 states there will be 2 dances and page 3 states there will be 3 dances. Mr. Rojas clarified that the applicant has only 2 dances per year and it is recommended the limit be 2 dances.

Chair Finlay discussed the public hearing protocols for applicant(s) and opponent(s) and potential Planning Commission actions. She said the actions of the Commission may be appealed by notifying the City Clerk in writing and paying the appeal fee of \$150 by 5:00 p.m. on Monday, May 18, 2009, stating wherein the Planning Commission's decision is in error.

Vice Chair Rao questioned Mr. Rojas as to whether or not there has been preliminary analysis made regarding the project meeting the building code(s). Mr. Rojas said Mr. Timothy Banuelos, the Architect for the project, completed a preliminary code analysis as recommended by the Building Division in order to inform building observations compared to what code requirements would be for the E type occupancy, which is Exhibit D. He said a full code analysis would be part of the submittal at the time building permits are drawn.

Tim Banuelos, Architect, Pinole, described the initial sanctuary portion of the church having been built in the 1950's and the classroom wing as being constructed in the late 1960's. There has always been an assembly use and an educational use on the property. At some point the sanctuary use was modified as a gymnasium, and five years ago the Wayside Church across the street leased the facility to the Yiu-Mienh Baptist Church congregation. A City inspection was done at that time of the facility which met code.

Two years ago, the facility was purchased by Yiu-Mienh Baptist Church at which time a second inspection was done. An exit sign was found to need power, which was completed. There has always been day care present which is private and independent from the existing church and which has also been inspected.

In terms of land use, Mr. Banuelos said they need to re-stripe the property, as there are parking spaces which are nonconforming now. Based upon requirements, they will need 22 spaces with

2 extra for the day care, and he noted they actually have space for 25 spaces. The third space will be dedicated to the day care use.

Mr. Banuelos completed a preliminary code check in terms of occupancy requirements. The use of the church with classrooms is similar to the use of the school using a large assembly structure such as the gymnasium and the classrooms. There is no required occupancy separation between the educational wing and the assembly, there is a required connection between the one hour separation between the two occupancies and existing offices which will be retained and therefore satisfies the requirement.

In terms of structure, there has been no damage or settling within the building and he briefly described its wood frame construction. He noted that the Charter School could move in right away as is; however, there are accessibility issues. He proposed a three-phase program; 1) establish the accessible path which would mean changing out door knobs to levers and changing thresholds and improving parking; 2) adding striping to stairways and changing railways; and 3) changing bathrooms.

Architecturally, Mr. Banuelos said as a parent and board member, the school has been great for his family and he spoke of smaller classrooms and an improved instructional setting. He noted there is a plan to build a trash enclosure which will be shared with the church. Eventually, they will build a stairway that connects the two parking lots which will enhance security and access.

Regarding drop off and pick up, he said drop off is currently on street in the front of the facility. They are planning to drop off a little later than the existing day care which will be at 8:30/9:00 a.m. School ends at 4:10 p.m. and most all employees are gone from the school at 4:30 p.m. unless there is tutoring or extra-curricular activities which would not extend past 5:30 p.m. Day care closes at 6:00 p.m. He said the neighborhood has been gracious, they have provided comments regarding speed along Solano and he believed stop signs might be needed at the corner of Solano and Sonoma Streets.

Commissioner Duncan said there has been no response from the neighborhood council as of the time of the staff report and he questioned if they had formally responded and/or had the applicant presented their project. Mr. Banuelos said they met with the neighborhood council on May 4th, and they seemed positive, but issues mainly had to do with the viability of the existing shape of the building and building code requirements, as well as any additional traffic created. He said there is traffic up and down on Solano in the mornings, which they will be mindful of. He confirmed with Commissioner Duncan that they had not yet issued a letter but he expected it to be one of support.

Vice Chair Rao questioned and confirmed that the charter school has operated for 2.5 years; they have just over 100 students and eventually will add 50 more which is limited due to parking requirements and availability. Vice Chair Rao questioned concerns about traffic and noise levels and Mr. Banuelos said some of the traffic exists already along Solano; some of the problems relate to stop signs not installed and speeding or rolling through intersections. He said their student base comes from Carlson which has existing significant traffic flows. They will have less space to drop-off at the new site and are hoping to determine how this will work in terms of mitigating some of the traffic issues. He said they do not expect to add too much traffic to the neighborhood because, as mentioned, there are three other churches around them which already generate school and church traffic-related activities.

Vice Chair Rao referred to safety and security issues for a church versus a school and asked Mr. Banuelos to speak on the issue. Mr. Banuelos said they have always kept a tight reign on their students; their facility is somewhat enclosed and smaller and at the proposed location, it will be similar but a larger facility.

Regarding security, Mr. Banuelos said they have not had problems at their current site and the proposed neighborhood is actually much quieter. He did not believe an issue would come up relative to their school use. He confirmed with Vice Chair Rao they have no school security and are coming from a much rougher neighborhood into a quieter one.

Secretary Lee questioned if there was any approval given from the neighborhood council meeting. Mr. Banuelos said it was unclear; there were questions that were brought up and much of the focus was on why they did not hear about it. He said at the time they were trying to contact the neighborhood council, they were going through a change of leadership and some of the questions about how to apply were somewhat delayed. As of the end of February, they had no negative responses. He said people from the school canvassed the neighborhood and let them know the Planning Commission meeting was occurring tonight. However, his impression was that there was no serious disagreement but rather questions on how things would work.

He confirmed with Secretary Lee that the church was used as a school in the early 1980's. Secretary Lee read from the staff report regarding surrounding neighboring properties, which states that the properties are populated with families that work during the day and would not be affected by the day-to-day school operations. Mr. Banuelos agreed and also noted the difference in elevation between the houses and the school parking lot, stating that most sound would be generated over the houses as opposed to through them.

Commissioner Beckles said the building was currently occupied and she questioned if there was a building inspection conducted which confirms the structural safety of the building for occupancy of students. Mr. Banuelos said there had been an inspection within the last two years. The day care received their use permit last year and he assumed they would have received one, as well.

Chair Finlay confirmed with Mr. Banuelos that the charter school was technically a public school, with the charter being approved two years ago by the school district. She confirmed their inspection and permitting would be handled by the City and not the State as is the case for a public school.

Chair Finlay referred to the site plans, voiced concerns with noise factors and noted there were four homes in the rear property and a fifth house behind the existing field. She confirmed the gymnasium was in the existing church building, questioned the location of existing fencing and where the new fencing would be, and Mr. Banuelos pointed it out to Chair Finlay on the plans and described it. He said a second fence is located in a lower area and is about 6 feet tall, there is an existing fencing by the field as well as a chain link fence interspersed because of a slope. They are adding lattice as a visual barrier to the existing fencing, and the only new fencing would be repairing some of the existing chain link fabric.

Chair Finlay confirmed with Mr. Rojas that the fencing was in relatively good condition, said they had discussed the school installing slats in the chain link section, but noted this would create any noise barrier.

Chair Finlay referred to Sheet A.1.1, and questioned what the two student project areas and shared day care areas were. Mr. Banuelos said the spaces are left over from the existing pavement after re-stripping was done and he described the configuration of the parking spaces which left pocket areas. He said most important is the outdoor community space area which can be used by students for interaction outside. The spaces in the lower parking areas are reserved for student areas for projects and the shared student day care area will be used by smaller children for recreation uses which are protected from existing parking.

Chair Finlay said she did not see any large outdoor areas normally associated with a high school such as a track, baseball diamond, or those which create noise generated from such activities. Mr. Banuelos said the existing field still belongs to the church across the street. Adjacent to that is the baseball field at St. David Catholic School (K-8). He is working with them to see if some gym use can be traded for some field use. Therefore, whatever they would be doing would be similar to what the charter school will do in terms of noise, and outdoor space would be intermittent.

Commissioner Telstchick-Fall questioned what the size of the school is compared to the size of the two other neighborhood schools in terms of numbers of students. Mr. Banuelos said he did not have a student count at St. David's but felt they were similar in size. He said Adams is closing which has 900 students, and some of these students would relocate out of the area.

Commissioner Telstchick-Fall said a letter was received regarding concerns of outdoor vandalism and garbage dumping. She confirmed that students come into the school and they go directly to the community space.

Public Comments:

Gary Einhorn, applicant, Berkeley, Founder and Educational Director of the school, said they are trying to create a small learning community of 150 students, they offer value to the district and to the community because they offer an alternative to a large school atmosphere, and teachers are mindful of students and work individually with them. He said they have been at the Carlson property for two years and have doubled in size. There have been no complaints from the neighborhood, no problems, and students have actually conducted neighborhood clean-ups. Students are restricted to the campus, they want children to recognize the school and outer community and have a class called, "Be the Change Class" which is designed to teach children to be the change they want to see in the world.

Commissioner Beckles questioned and confirmed the campus would be closed and students must remain on the property, but those in the upper division may be granted off campus privileges.

Vice Chair Rao questioned and confirmed that class size is limited to 25 students, most sizes are smaller at about 15-20 students, they have 12 teaches (part-time and full-time) and 100 students. Next year they will have 150 students and 12 teachers who will all be full-time.

Commissioner Lane questioned if there were any truancy issues. Mr. Einhorn said on occasion they have students with problems, but they identify those immediately, contact parents and work with the families.

Vice Chair Rao questioned if any restrictions were placed on admission requirements for students. Mr. Einhorn said they are not a rich school and anyone who applies can be accepted if enrollment is not full.

Howard Banford, Richmond, opposed the use permit, stating he lives just below the proposed school, said the gymnasium is used one day a week in the evening for church basketball. If used on weekdays, it would be a big change in the use. The field next to the school belongs to St. David's School and is a Youth/Little League baseball field and is not open to the public. He was not sure how high school students could use it. He voiced confusion about a conflict of interest with Mr. Banuelos conducting an independent analysis of the building and said if he were going to start a charter school, he would go to the community and survey neighbors, which was never done early in the process. He noted the applicant came before the neighborhood council only after calls were made to Mr. Rojas suggesting it. Many issues were brought up regarding traffic and he suggested a traffic study be done, he questioned seismic safety, asbestos, and disabled access, and he urged the Commission to deny the CUP.

Chair Finlay referred to page 2 of the staff report and said it states that, "tenants" of the Baptist Church and on page 7 it refers to the Baptist Church as property owner. Mr. Rojas confirmed they are both. Chair Finlay felt the application should be made not only on behalf of the owner but also of the applicant because the CUP runs with the land. Mr. Rojas said the high school submitted an application and completed it on behalf of the property owner and they are aware of the situation.

Renee Luccitini, Richmond, lives behind the Catholic Church, said she supported charter school as an alternative to public education but voiced concerns with foot traffic of students off campus as a resident on Yuba Street. She said neighbors have had their cars spray-painted, rocks thrown at her cats, vegetation trampled on and lots of trash. There is a bus stop on McBride where there is a liquor store and students stop there. There are also senior citizens in the neighborhood who are frightened of students due to vandalism and retaliation.

Secretary Lee confirmed that Ms. Luccitini was made aware of the CUP prior to the neighborhood because her partner works for the high school; however, as a resident, she received notice two days ago.

Ann Danko, Richmond, said the five houses adjacent to Sonoma Street are not all people who work during the day. She said there are retirees who are home during the day and her biggest concern is that there has been no seismic study done on the building. She said she does not understand how 150 kids could move into a 1950's building. She asked for an unbiased structural/seismic engineer to analyze the building, questioned who would assume the liability for an earthquake, and said she has spoken with Mr. Rojas about the request.

Zachary Salem, Richmond, lives a block above the school and said their home overlooks the Baptist Church. He has heard nothing about potential noise impacts to homes above the school, was disappointed at not having been noticed by the school about the usage except for flyers which were put out two days ago and a hearing notice by the City he received on Tuesday. He wished the school good luck in their educational efforts, but voiced concern over the parking lot, use of the property across the street as a possible athletic area and asked for clarification on this and objected to it. There are also many people on Ralston Avenue that know nothing of the request and he asked to provide the community with time to weigh in on the matter.

Elinor Blake, Richmond, said she lives three blocks from the school, thanked Commissioner Beckles for her help in letting the neighborhood know through the neighborhood council and Monday's meeting with the school, and congratulated the Commission on their recent grant award for a Public Health Policy Element in the General Plan. She voiced health-related issues as 1) Traffic safety; Solano is a steep street; people speed through the area and are pointed at the drop off area, and she asked for a different drop off location; and 2) Asbestos. Under the Asbestos Hazard Emergency Removal Act, before occupancy is required for any K-12 school, an inspection must be made.

Rebuttal-Applicant

Tim Banuelos, Applicant, said the area by the Wayside Church used to be owned by the existing church and it is next door and not across the street. Regarding notification of the neighbors, they began trying to determine who to notify in January, said they made contact with the neighborhood council, contacted them again, Gary Einhorn wrote an article for the neighborhood newsletter which was put in about one month ago, and he felt the matter was not hidden at all. Regarding seismic evaluation, they plan to conduct this when adding to the building.

Commissioner Duncan asked Mr. Banuelos to continue on with the seismic discussion. Mr. Banuelos said when the owner approached him about use of the space, the location is set up ideally without having to do too much to the space; a large assembly building which was essentially a gymnasium and a classroom wing separate and down the hill. He believed the building was in good shape and felt a structural engineer would render the same opinion.

Commissioner Duncan questioned whether or not there were any construction drawings which show changes over time. Mr. Banuelos said they have not found any, but there have not been many changes other than the actual addition of pieces themselves. Commissioner Duncan questioned the construction of the classroom area as opposed to the assembly area. Mr. Banuelos said the classroom portion is wood frame, two-story, wood stud walls, as the wing turns into the main wing, construction changes to a concrete block wall and retaining walls are holding up the sight along that side. The sanctuary area is a heavy timber area which holds up the roof. The roof is gambrel shaped and comes down at an angle, and a glue lam system.

Commissioner Duncan referred to asbestos and questioned if any asbestos problems would be anticipated in the course of making the ADA toilet room alterations. Mr. Banuelos said some of the older floors most likely have asbestos in them based on the size of them, there are no pieces coming off from them, and his plan would be to encapsulate it. He said the upper floors are vinyl tiles. Commissioner Duncan questioned whether there was any asbestos wraps in the mechanical systems, and Mr. Banuelos said there was nothing he had observed.

Commissioner Duncan questioned if the Field Act applied to charter schools, and Mr. Banuelos said it would apply to public schools owned by school districts only.

Chair Finlay questioned and confirmed that Mr. Banuelos saw no evidence of seismic retrofitting in his inspections and confirmed the heating system ducting is encased in sheet rock and wood framing and are separate from the room itself.

Commissioner Beckles questioned if the asbestos was not an issue or not for children to attend the school, noting that she has been in contact with the school officials and neighbors. She voiced traffic safety concerns as well, and asked if the issues could be addressed prior to any

action being taken. Mr. Banuelos said traffic safety may be a matter of addressing Sonoma Street only as opposed to going down Solano. Regarding asbestos, more encapsulation would occur on the lower levels.

Mr. Mitchell said the Planning Commission makes land use decisions; the Building Department has all expertise necessary to evaluate the building and determine whether or not the school can operate safely.

Secretary Lee said it would appear there are a lot of modifications and adaptations put into the project and he worried that there is a realistic expectation that the school can open in three months from now. Mr. Banuelos said this would depend upon actions of the Planning Commission and briefly discussed his work on addressing required conditions and working with the State versus the City.

Rebuttal-opponent

Ann Danko, Richmond, said she is very concerned about 150 students moving into a building considering the lack of knowledge about seismic safety of the building, the potential catastrophic injury, and said it is possible that the school would open with no work done at all and parents need to be advised.

Chair Finlay asked for staff summation, and Mr. Rojas summarized staff's recommendation, pointing out that the plans before the Commission were routed to the Traffic Engineering Division of the City and they had no concerns. However, he recommended conditions of approval be added to revisit this specifically because there are two drop off locations. Since the pre-school and high school are going to drop off at different times, it appears that the area on Sonoma Street could be utilized as drop off areas for both.

Secondly, with asbestos, Mr. Rojas said he will need to review the Act; however, staff recommends that the report be submitted with the building permit application, as this is when it would be triggered. Staff recommendation for approval stands and asked Resolution 09-08 be approved.

Commissioner Beckles said staff mentioned that certain conditions can be mandated which would include addressing asbestos and the drop off zone, and she questioned if resolution would need to be modified. Mr. Rojas said conditions can be added as part of the motion, the resolution would be edited and the Chair ensures all conditions are added at the time of signature.

Chair Finlay referred to page 3 of 5 of the resolution and noted it states that the CUP is subject to plan in Exhibit A. Item 3 discusses the curbside drop off areas on Sheet A.1.1, signage and curbside painting, and she questioned if potential relocation or consolidation of drop off areas could be addressed by stating the following: "The location, signage and curbside painting shall be installed to the satisfaction of the Director of Public Works or his/her designee."

Chair Finlay referred to clause 2 of the resolution and noted it states, "The parking lot improvements and drop off areas will be completed prior to the operation of the school." The last sentence states, "The exterior staircase shall be completed prior to January 1, 2010." Mr. Rojas clarified that he wanted to single out the exterior staircase from being completed prior to that date because there is an existing connection between the upper and lower parking lots. The

school is doing this voluntarily and it is not something that would be required, and this was left up to the discretion of the applicant who stated it would be completed by 2012.

Chair Finlay questioned if this should be kept in and asked to leave the third item which is the trash enclosure to be completed by 2010, which is reflective in the staff report. Mr. Rojas noted the applicant agrees to commit to this.

Secretary Lee said he is generally in favor of the project, but disappointed in the weak community outreach efforts. He felt the project should have been vetted through the neighborhood council prior to coming to the Commission, and he asked for comment from Commissioner Beckles, who serves as the neighborhood council president.

Commissioner Beckles said they have many residents in favor and many who are opposed, but the council was unanimous in their disappointment in the outreach effort. The school did the best they could but the City was not able to contact those who needed to be contacted. She said the next day after the meeting, the school began distributing the letters to the neighborhood and felt the school was well run. She lives in the neighborhood, likes the idea of having a good school which emphasizes respect for the community, and hoped they did not have problems with vandalism or trash.

Chair Finlay asked for an explanation from staff of what the City's role was in outreach efforts, and Mr. Rojas noted there is a statement on the application which informs applicants to contact their neighborhood council early in the process. The applicant held a meeting early on with staff and was given a list neighborhood council information. The contact for the Richmond Heights Neighborhood Council was Mr. Rock Brown. They tried repeatedly to contact him to no effect. Mr. Banuelos and school officials also walked the block to receive feedback as well. Ms. Danko had informed staff that Commissioner Beckles was actually the president and Mr. Rojas contacted her on Friday.

Chair Finlay questioned what the City was legally required to do in terms of notification. Ms. Renfro said planners actually execute this more often, but there is a statutory period in which the City must mail out notices within 72 hours of the meeting to those owners of property within 300 feet of the site. This City makes every effort to attempt to reach neighborhood councils, but there is a balance the City must adhere to in advising applicants to go to neighborhood councils because they are not the government and the City cannot require they meet before such a body. Chair Finlay also said two weeks prior to any hearing, projects are advertised in the newspaper, on KCRT, posted on site, and Ms. Harbin said tenants are also noticed in addition to owners of property.

Chair Finlay questioned and confirmed that there was an article in the neighborhood council's newsletter two weeks ago which goes out to about 400 neighbors. She confirmed with Mr. Mitchell that asbestos testing would be required as part of the permitting process.

The public hearing was closed.

ACTION: It was M/S (Duncan/Lane) to approve PLN 09-049 – West County Community High School Relocation, Conditional Use Permit for Charter School at 777 Sonoma Street, including the four statement of fact in the Resolution and conditions 1-15, with an amendment to Condition 3 to add that the location of the drop off and signage will be completed to the satisfaction of the Director of Public Works, with an amendment to

itemize the four upgrades noted in Section 2 with date specific as January 1, 2010 and that the proposed parking lot improvements and drop off/pick up areas are shown in Sheet A.1.A of the project plans in Exhibit A and shall be completed prior to the operation of the school; the installation of the trash enclosure shall be completed by January 1, 2010; the completion of the exterior staircase connecting the upper and lower parking areas shall be completed by August of 2012. In addition, that amendment be made to Item 7 to state “two” student dances as opposed to “three” student dances; unanimously approved (Rao abstained).

Chair Finlay read the appeal period and asked that staff include it in the future in all staff reports.

COMMISSION BUSINESS

4. Reports of Officers, Commissioners and Staff

a. Design Review Committee

Mr. Mitchell announced that last Monday, Opticos Design held an information session on a form based code for 23rd Street. They have been hired to do a visioning charrette for 23rd Street in conjunction with the streetscape activity. The next meeting will be held on June 15th between 6-8 PM, followed by a three-day charrette. It is scheduled to be held at the Veterans Hall at 968 23rd Street, but there may be a change in location.

Vice Chair Rao referred to the Design Review Committee and suggested that the Design Review Committee, which he felt was quite helpful in the past, should start again.

Mr. Mitchell said the development review process has disappeared from the Planning Commission procedures over the years. He said the DRC became a first chapter of a Planning Commission meeting, and the public cannot be separated out of those meetings. So, it was omitted from State rules having to do with subdivisions and is now an obsolete step.

Chair Finlay questioned the ramifications of an agenda setting review meeting, and Ms. Renfro said it used to be a requirement of the Subdivision Map Act but it was only for maps. What happened here is that several members of the Commission would meet and there were always issues about whether or not the public should be allowed to attend, whether upcoming items were being discussed outside of an open noticed public meeting, and the Chair of every committee has ultimate control over the agenda. Therefore, the Chair could meet with staff prior to the agenda's publication.

Ms. Renfro reiterated and encouraged Commissioners to contact staff with any questions which helps the process. Chair Finlay reminded Commissioners not to make serial telephone calls and suggested contacting staff. Secretary Lee confirmed that a quorum of the Planning Commission and Design Review Board was the majority of the currently sitting members, and never less than three. Therefore, the Planning Commission's quorum was four members.

Secretary Lee clarified that in the Brown Act that immediately follows the Consent Calendar and the Public Forum is exactly the same, and he asked that the Public Forum be moved to the beginning of the meeting.

Chair Finlay questioned if she could make the request to move up the Public Forum and questioned and confirmed that no Planning Commissioners were opposed to it. She said the

order of the agenda would be: Roll Call, (Brown Act, Public Forum), Minutes Approval, Consent Calendar and remainder of the agenda items as currently shown.

Chair Finlay thanked Mr. Mitchell and staff for holding the Planning Commission/Design Review Board Retreat on April 17th which she said was very valuable. She questioned the status on available education for new Commissioners, and Ms. Renfro said the City Clerk was researching this and staff will follow-up on the matter. Chair Finlay also suggested a half-day workshop session be held on issues regarding motions, operations of law, findings, CEQA, Permit Streamlining Act, CUP and variances, etc. and Ms. Renfro said she could follow-up on the request.

Chair Finlay said she needed to appoint a nomination committee which would occur in June and in July, new officers would be elected for the year. She nominated Secretary Lee and Vice Chair Rao and asked for one volunteer from the new Commissioners. Commissioner Telstchick-Fall volunteered.

Chair Finlay said she looked at the new City Hall Building at the Civic Center complex and she was thoroughly delighted and proud of it and thrilled for the City and employees. She announced and thanked those responsible for the project.

Public Forum - None

Adjournment

The meeting was adjourned at 8:02 p.m.