

PLANNING COMMISSION MEETING
COUNCIL CHAMBERS, RICHMOND CITY HALL
1401 Marina Way South, Richmond, CA
May 3, 2007
7:00 p.m.

COMMISSION MEMBERS

Virginia Finlay, Chair
Vicki L. Winston, Secretary
Nagaraja Rao
Vacant

Vice Chair Stephen A. Williams
Zachary Harris
Jeff Lee
Vacant

The meeting was called to order by **Chair Finlay** at 7:05 p.m.

Commissioner Harris led in the Pledge of Allegiance.

ROLL CALL

Present: Planning Commission: Chair Finlay, Vice Chair Williams and Commissioners, Harris, Lee, Rao and Winston

Present: Design Review Board: Vice Chair Avellar, Boardmembers Livingston, Smith and Woodrow

Absent: None

INTRODUCTIONS

Staff Present: Jonelyn Whales, Associate Planner; Janet Harbin, Principal Planner; Lina Velasco; Tom Minn, Assistant City Attorney; Richard Mitchell, Planning Director

Brown Act – There were no public speakers.

MINUTES - None

Chair Finlay provided an overview of the Consent Calendar, meeting procedures for speaker registration and public hearing functions and procedures. She noted that items approved may be appealed in writing to the City Clerk by Monday, May 14, 2007 by 5:00 p.m. and announced the appeal process after each affected item.

CONSENT CALENDAR

Chair Finlay noted the Consent Calendar currently consisted of Items 2, 3, 4, 5 and 6.

Janet Harbin referred to Item 2 and said the project was addressed at the Development Review Committee meeting on Monday night, no action was taken, but there was a discussion of the subdivision.

DRC Chair/Commissioner Harris reported there was no quorum for the DRC meeting; however, they did reviewed the item with staff, they noted some minor items regarding the subdivision; Condition 45 in the draft resolution should be changed to identify the West County Wastewater District Service Area as opposed to the Sanitary District, and Condition 50 should be deleted, as it made reference to another project.

Chair Finlay confirmed there were public speakers requesting to speak on Item 2 and recommended it be removed from the Consent Calendar.

Chair Finlay reported for the record that Item 6 was not an appealable item to the City Council.

Commissioner Harris referred to Item 4, said the address was improperly listed and should be amended to read 3655 Collins Avenue. Regarding plans submitted for Item 4, he referred to the staff report and said on condition 2.a., the plans should read as being stamped on March 23, 2007 and not 2006.

Ms. Harbin confirmed that the assessor parcel number shown in the report and notice was correct, the 300 foot radius mailing utilizes the APN number, and also the PG&E tower has been there for many years and very noticeable. Therefore, the Commission and staff agreed the item had been properly noticed.

ACTION: It was M/S (Harris/Rao) to approve the Consent Calendar, amending Items 3 and 4 and approving Items 5 and 6 as listed, with Item 6 not being appealable. Vote: 6-0.

Items Approved:

- 3. EID/TM/CU 1102823 – Sunset Court Subdivision at the intersection of Valley View Road and Sunset Lane** - PUBLIC HEARING to consider a recommendation to adopt an MND and approval of a Tentative Subdivision Map and Conditional Use Permit to allow construction of 9 detached single-family dwellings; associated utilities infrastructure, roadways, and improvements to the existing Sunset Drive road is planned as part of the project. The project site is located approximately 500 feet north of the intersection of Valley View Road and Sunset Lane. (APN: 430-140-034); Zoning District SFR-3; and General Plan designation of Low Density Residential/917. Troy Reese, owner/applicant. Tentative Recommendation: Hold Over to 6/7/2007.
- 4. CU 1103138/1103859 – Wireless Communications at 3655 Collins Avenue** - PUBLIC HEARING to consider granting a Conditional Use Permit for the collocation of six (6) panel antennas on top of an existing 130 foot tall PG&E utility tower located at 6355 Collins Avenue; (APN: 408-060-012-7); Zoning District M-2 Light Industrial; and General Plan designation of Light Industry/919. Durkee Properties, owner; Jennifer Walker, applicant. Tentative Recommendation: Conditional Approval.
- 5. CU 1103841 – Eating Establishment with an ABC On-Sale Beer Only at 325 23rd Street** - PUBLIC HEARING to consider granting a Conditional Use Permit to operate a restaurant with an on-sale license limited to beer only at 325 23rd Street. (APN: 514-090-005). C-2, General Commercial District. Theresa Young, owner; Armando Carmona, applicant. Tentative Recommendation: Conditional Approval.

- 6. ST 1103055 – Street Vacation for a portion of 12th Street, located between Macdonald Avenue and Nevin Avenue** - PUBLIC HEARING to consider a request to vacate and abandon for public purposes the portion of 12th Street, located between Macdonald Avenue and Nevin Avenue (No APN). Office/Retail/Institutional (CCSP) Zoning District. City of Richmond, owner; AF Evans Development Inc., applicant. Tentative Recommendation: Recommend Conditional Approval to City Council.

Brown Act – There were no public speakers.

Items Discussed:

- 1. Richmond General Plan Visioning Process – Status Update** - PRESENTATION updating the Planning Commission on the General Plan visioning process, including the discussion of land use phototypes and development alternatives for the General Plan Update Program. Planner: Lori Reese-Brown.

Principal Planner Lori Reese-Brown, said a status update of the General Plan would be presented, said the update process has engaged many community members, boards, commissions, staff, the RSCC, and tonight's process would provide a forum to answer questions, identify concerns, and receive public input.

She said staff would discuss highlights from community workshops, emerging design concepts, draft land use language and answer questions. She said the existing general plan was adopted in 1994, GPAC (General Plan Advisory Committee) was formed to engaged to oversee the update, and surveys conducted gathered input from youth, community groups, residents, and outside agencies.

She said the TAC (Technical Advisory Committee) was also formed and comprises of all City department managers who they would provide comments regarding public works, arts and culture, police, fire and other disciplines. She noted there were completed projects of the update which have included issues and opportunity reports pertaining to transportation, land use, arts and culture which could all be accessed via the City's website. Also developed were existing condition maps, draft public input summaries, the draft vision framework, the draft land use menu and draft land use options. She said the outreach and engagement process has included 30 City leadership interviews, 8 focus group meetings, and over 20 planned event outings to engage the public, and newsletters to households. Additional outreach has included 9 general plan advisory committee meetings and 6 technical advisory committee meetings, which were on-going.

The project's website includes information and announcements, questions, comments, answers, weekly email updates and the Community Character Preference Survey. They also have staff and consultant working groups who are working on the zoning ordinance and economic development portion of the general plan. Youth visioning includes information on schools, youth group engagement, high school curriculum, where staff intends to work with the high schools' boards to determine what youth wants in the community and possibly have them design their own model general plan.

Ms. Reese-Brown said further, community group and stakeholder meetings and presentations have occurred, they have engaged neighborhood councils, the Chamber of Commerce, RSCC, the 23rd Street Merchants, and the Council of Industries. The board and commission meetings have included the Historic Preservation Advisory, Parks and Recreation, Arts and Culture,

Economic Development, Planning Commission and Design Review Boards. both individually and as a group.

They have held 13 community workshops to date, more were proposed to be held in the Fall, they received positive input and response from the public. Upcoming milestones include a TAC review to be held on June 6 which will look at land use options. On June 12 another working session would be held with the Planning Commission and City Council and a GPAC meeting would be held to review the final land use options.

Ms. Reese- Brown introduced the consultant team from MIG who she said would discuss highlights of the community workshops.

(male) _____, MIG, said they have been working closely with staff to develop the general plan, summarized highlights of the 4 community workshops completed in March and April, noted one of the workshops was held entirely in Spanish, said there were 400 participants, and said information would be posted on the City's website from the workshops. Their focus has been to involve the community and comments from the community include:

- The need to make the downtown a commercial, entertainment, gathering and civic center area;
- They want to see a mix of uses along the shoreline that includes job creation and housing
- Because of the City's geographic boundaries, people want to see more bike and path connections to the downtown, transit and connection to the shoreline;
- Neighborhoods to be connected to each other;
- High quality jobs that provide living wages and other benefits which support existing residents;
- Education and technical training;
- They want to see green adopting the Vulcan practices and improve the overall natural and physical environment of the city;
- More affordable housing;
- Improvement to schools, libraries, community centers, and recreation centers;
- Safety improvements;
- Transportation improvements including transit, streetscape improvements, railroad crossing improvements.

Mr. _____, discussed intersection improvements at Macdonald Avenue and 23rd Street that provide pedestrian enhancement and concentration of services to make the downtown the heart of the City. He said the intersection of Macdonald Avenue and San Pablo Avenue was felt to be an empty gateway to the City and they want to see something that would provide an entry to the City with high quality development. The Cutting Boulevard and Harbour Way was the entry to the downtown from the I-580 freeway and this intersection was recommended for bicycle amenities, streetscape improvements, and some intense development which would activate the area.

Mr. _____, said they would return on June 12 for a joint session to present more detailed planning processes and land use alternatives. He presented the land use categories used to develop the land use plans. They looked at hillside residential neighborhoods, single family and multi-family housing with more open space, low and medium density residential, retail services in neighborhoods for better access to services, corridors of medium density mixed use with a residential emphasis, commercial mixed use, medium density mixed use as an activity center at

certain gateway nodes, possible activity center nodes at the Marina Bay and the Hilltop Mall area, regional commercial uses, business and industry categories for live/work units, opportunities for jobs with traditional office and research and development uses, opportunities for maritime and waterfront commercial uses, industrial uses involving green businesses, manufacturing, ports and warehousing, providing and enhancing community amenities such as schools, libraries, art and culture, parks, recreation and open space components.

Boardmember Avellar referred to the corridors of Macdonald and San Pablo and Cutting and Harbour Way and noted there were currently many gas stations which would require significant ground clean-up.

Boardmember Livingston said he had many questions about the port and future jobs and asked if this would be an appropriate time to discuss these. **Chair Finlay** felt this was an overview of the process and since the Board would not be meeting on June 12th, she asked for his questions and comments. Ms. Reese-Brown noted the minutes of the Industrial Port meeting held last week could be provided to him and other materials from the meeting. She said it was very informative which addressed the Port's mission and goals and how this could be worked into the general plan. She said last night in the GPAC meeting, staff reviewed port discussions in terms of what was envisioned for the area.

Boardmember Livingston said the questions that come up from time to time from the Council of Industries relate to jobs creation and he asked what key land planning elements would be focused, such as the COI visions of the future versus the economic development and what is seen for the future in job creation. Ms. Reese-Brown noted the GPAC was looking at three different options and they were still looking at them and engaging the community in that process.

Boardmember Livingston said as the City grows, he noticed there was a key transportation component to the port and what he has not heard or seen were any comments regarding the extension of the main circular road; Canal Boulevard around connecting with Brickyard Cove Road.

Elizabeth Fitzzaland, MIG, said there are preliminary land use options on the table which were being tweaked and changed. One of them is supported more by the Council of Industries and none have been decided upon. She said they have had Bay Area Economics give preliminary analysis of port uses and what would be feasible in the port area, what jobs could be created, what traffic would be created, and what would be feasible in looking at the entire region. As an alternative process, they would also put forth the idea of looking at alternatives that are not related to the port.

She said at GPAC, they received clear direction that they (GPAC) do not want to have a no-port option. On June 12, they will forward GPAC's direction but also let the Council know that during the process they had considered a no-port alternative. They were also in contact with BCDC and have been trying to put together what is the port of the 21st century, how does Richmond's port stack up to this and what can they do to support existing businesses at the port and also attract other businesses to the port area and industrial areas that will achieve the goals of having green industry, jobs for Richmond residents, and she felt it was a high priority for the planning department and consultant team.

Boardmember Livingston referred to a community rebuilding program that has just been introduced by Councilmember Thurmond having to do with rebuilding some of the residential

areas in the Iron Triangle neighborhood and redevelopment districts. He sent a letter to Daniel Iosofano of MIG regarding trying to set up a meeting on May 10 at 8:15 a.m.; however, he had not yet received a response.

Ms. Reese-Brown said staff would send someone from MIG and the City to attend that meeting and report back on those comments. She also noted that just because June 12 was a joint meeting of the Planning Commission and City Council, anyone could attend the meeting and offer comments and engage in the discussion.

Boardmember Woodrow said in the hearings he attended one of the issue that has not been getting a great deal of weight was the fact that Richmond is “balkanized”; we have scattered parts all over the place, one on the north, one on the east and one of the points made was how do you better connect the El Sobrante Valley with the things going on in Richmond. He said El Sobrante Valley cannot be seen over its huge hill in-between and he felt they tended to think on their own, and some even discuss forming another city. One issue is that they hope to hear more than the few points made thus far on the ways in which we can better connect the parts, he said the maps containing red and blue dots were sparse in that area, and hoped that they take this better into account.

He also said when the Council met on Tuesday night, one issue which arose was the fact that almost all homes shown in the slides were beyond the price range of a large number of folks that live in Richmond. MIG was being asked to consider how the designs might better reflect the means of residents. Or, he questioned whether the plan was how should the City plan to displace citizens, as he felt this was what was implied and all points shown in the plans of cityscapes shows everything currently there as gone. He knows the plans are not concrete, but if the future does involve big changes in terms of use, then something should be done in the plan of what to do with residents who will be displaced, which he felt also involved homes, companies, gas stations, etc.

He also questioned how citizens would obtain copies of the maps and Ms. Reese-Brown noted people could request this of staff or visit the website and retrieve them. She said the issues Boardmember Woodrow brought up were being addressed, El Sobrante was not being excluded from this process, and they have engaged residents of El Sobrante. In terms of affordable housing, the zoning ordinance and housing element which will dictate affordable housing and as developments are planned, they will have to pay their fair share of an in-lieu fee or offer affordable housing on site. They want those people who reside in the community to remain in the community, but they just want to offer better services and better products for them.

Commissioner Harris said as part of this process, he questioned if there have been any targets looked at for growth of population, economic development and others. Ms. Elizabeth Fitzzaland, said MIG looked at thorough projections regionally for both the Bay Area and for Richmond, which is included in their background reports and market analyses. These would be further expanded upon for CEQA analysis of the different alternatives. They are also receiving input from the community and from the City as to how they feel about those targets because of diverse opinions. She said they were currently conducting research for the alternative phase and are trying to nail down the land use options. As soon as those are an accepted group of options the analysis will begin where numbers will be produced.

Commissioner Winston said she would be hopeful that the general plan would be mindful of the need to reflect in a meaningful way the differentiation in the city between the urban, suburban and rural areas. Currently, in looking at hillside residential there is some very high

density condominium type, multi-family development but in the description it indicates, “on developable” parcels of the hills, which she felt was subjective.

Vice Chair Williams said his concerns were similar to Commissioner Winston’s, said he would mirror everything said of Boardmember Woodrow regarding displacement and accommodations made for those impacted most. Ms. Reese-Brown felt this was a concept at this point and feedback has been received from GPAC on this as well.

Commissioner Rao said 30,000 notices were mailed to Richmond residents and a large number responded, and he asked for a percentage of response. He also asked the differences between the people’s opinions between the ideas that came about through the mailing system versus the workshops which were held. Ms. Elizabeth Fitzzaland, said the first newsletter was sent out at the beginning of last summer, it included a survey with it with various questions. They received about 700 responses of the survey through the mailing part. Many issues were voiced by the community dealt with having more services which will be adjusted in the plan. In workshops held recently, they started to think more about land uses in particular so it has been encouraging to see there is a lot of consensus coming out of the outreach process. Ms. Reese-Brown confirmed the 30,000 number was households and not residents.

Commissioner Rao said workshops have been held over the last year and there have been various methods of outreach to the community and others, and felt at least 20-30 things have solidly been identified. Ms. Elizabeth Fitzzaland, agreed and said they have seen things showing up repeatedly. He asked her to highlight some of the June 12th items of discussion.

Commissioner Lee said in the process when we wind up with an opportunity for wholesale rezoning where we look at SFR 1 versus SFR 2 and asked how significant the scope would be. Ms. Elizabeth Fitzzaland, said the general plan land use map and the entire zoning code were undergoing a comprehensive update, they will look at the entire zoning code on a citywide basis and determine what should change. A technical diagnostic was already done on the zoning code which is included in the background materials. It also looks at specific plans as to whether or not they are working and not working. They have also worked with staff to determine what processes work and do not work for over-the-counter for day to day planning and they have done site visits.

Mr. Sood, said there would be 13 areas in the city that should be looked at for rezoning. Those areas were reviewed only for land use changes, so when they look at the zoning update they are seeing that a majority of the city is stable and need not be changed. Regarding El Sobrante Hills, the zoning code will make things more clear without actually changing development rights and zoning. For corridors, they will present small specific plan areas of the city at the June 12 meeting, and there was consensus for these areas of the City to be reviewed.

Commissioner Lee said he attended some of the community outreach sessions, felt they were very well done, the website was impressive, and felt the doors have been opened very well to the public for comment. He also recognized that due to funding constraints, it was difficult to get certain things in the City.

Chair Finlay said one of the key components reviewed was the economic reality of what must happen to keep Richmond a viable city and she wants to make sure we can provide the services that residents need and require. So, she felt that the economic component of the process should be brought forward to current planning. There have been large projects taken on such as the new City Hall project, Hall of Justice complex, \$110 million worth of road repairs,

and she hoped the economic vitality be incorporated into the process. She also congratulated MIG on the outreach done, said the community hearings and workshops have been well received, and the website was very comprehensive.

Boardmember Avellar asked for having restaurants and residential properties with public access along the shoreline and parks. He felt height limits around corridors traditionally have not been an issue of up to 7 stories, but felt 12 stories was something they should look more closely at. He also felt large and small parks in the city were also very important and felt sewers and utilities should also be looked at being upgraded.

Boardmember Woodrow asked to receive a copy of the survey summary.

Commissioner Winston referred to overlay districts as part of the zoning ordinance review as part of the meetings in various communities, said for example, that if the El Sobrante Valley area wanted to have their own specific plan, she asked how would the analysis come up with a recommendation for this to be explored, or that a special overlay district or resource overlay district could be established for that area. Ms. Elizabeth Fitzzaland, said this has already been discussed when MIG met with representatives from the neighborhood councils there and this would be looked into. However, the idea of a specific plan there has not been brought to their attention but could come out of the general plan process to be included.

Vice Chair Williams applauded MIG's efforts and hoped he did not see anything that resembles any type of gentrification even in the most remote sense of the word.

Commissioner Rao acknowledged the on-going work with the process of Ms. Reese-Brown and thanked her for the presentation.

Public Comments:

Dr. Henry Clark, Executive Director of the West County Toxics Coalition, member of the North Richmond Municipal Advisory Council, said he was appointed to the General Plan Advisory Committee by the Mayor, felt MIG has done an excellent job with outreach efforts, all particular elements have been discussed with community input, feel they have concepts in terms of green businesses and not gentrifying communities, and felt the key was having the money and resources to implement it. Regarding environmental justice and crime issues, these are overriding issues that need to be addressed in the general plan revision and felt the City was not currently addressing either. Unless crime is addressed, people will be afraid to come to parks or walk trails and felt a historical perspective of the reason why the City does not have a revitalized downtown was due to crime. Also, there is a question about the leadership at City Hall to implement the plan and felt this was also an issue to be addressed.

Chair Finlay thanked the members of the Design Review Board for attending the meeting.

2. MS 1103690 – Trinity Lutheran Church Subdivision at 3301 Morningside Drive - PUBLIC HEARING to consider a request for an approval of a tentative parcel map that would create two lots. The subdivision would reduce the existing 72,031 +/- square foot Church site to 59,264 +/- square feet to create a new 12,767 square foot lot at 3301 Morningside Drive. (APN: 431-233-018). SFR-3 District. Trinity Lutheran Church, owner/applicant. Planner: Lamont Thompson. Tentative Recommendation: Conditional Approval.

Lamont Thompson gave the staff report, stating the applicant is requesting a tentative parcel map that would create two lots. He briefly described the project lot sizes, stating that both lots would conform to the Subdivision Map Act, the general plan and zoning ordinance. Improvements to the newly created parcel would be reviewed at a later date. It may be before the Design Review Board or if the new Planning and Design Review Commission were formed, it would appear before that body; however, it is an improvement that is proposed to be less than 1,200 square feet on the site that would appear before the zoning administrator for review.

He discussed the project site, its location, current use as a church and day care center, said there were currently 48 parking spaces on the lot, said the site was located in a high fire hazard zone and staff has included a condition that the main structure would have fire sprinklers, would meet construction standards and have a vegetation management plan. In addition, the lot is a flag lot and was 136 feet to the interior portion of the lot, so the Fire Marshal also requests a hammerhead turn-around so a fire truck can maneuver into the site.

Commissioner Winston referred to Attachment 2 of the staff report, Lot 2, and asked if the lines going down between Lot 1 Parcel A and Parcel B was the access or driveway. Mr. Thompson said yes, it was the access that leads to the interior portion of Lot 2. The shaded portion was the area of the parking area to be removed to provide access for that new lot, it was this lot which is proposed for the hammerhead, and it would be entirely on Lot 2.

Commissioner Rao asked what types of uses would be proposed for the 12,767 square foot lot that is being created. Mr. Thompson said a letter in the file indicates they are looking at potentially a duplex structure; however, because this was simply a subdivision, staff did not take this into consideration.

Public Comments:

Jean Gonzales, American Canyon, said they wish to sell an unused portion of land, said the church has no need of it, and with their shrinking congregation they need the funds to extend their services to the community. She said they have met all requirements of the Planning Department including removing two piers from the church in order to have adequate parking. They approached their nearest neighbors and offered to sell the property to them, they met and offered it at a very low price, said a date was set for them to respond and they failed, so therefore, they listed the property and have a buyer. So, she asked the Commission to approve the tentative parcel map request.

Jit Pandher, El Cerrito, co-applicant and buyer of the property, asked for the Commission's approval of the request.

Reverend Wayne Blockman, Pastor of Trinity Lutheran Church, said the property has been owned by the congregation since 1961 and through the years there has been discussion of the use of the property, they became more and more aware of non-use of the property, and asked for the Commission's approval of the subdivision of the property as they want to use the funds for capital improvements on their own property. He said their parking lot needs to be redone and a new furnace in the church and they have complied with all requests.

Commissioner Rao asked Mr. Blockman if he met with the neighborhood council of the area, and Mr. Blockman said Mr. Kriger had met with the council and he could speak to the issue.

Robert Kriger, member of Trinity Lutheran Church, said the congregation was getting smaller, but was still active in terms of service and felt the property would provide something to them and the community and would be of benefit to all. He said he met with the El Sobrante Planning and Zoning Committee and his realtor.

Commissioner Harris said Eleanor Loynd attended the El Sobrante meeting and they were aware of the project.

Peter Marinakis, Hercules, owner and director of Wee Care Day Care Center and Pre-School, said they have been at the site for 10 years, said if the property were sold it would definitely benefit the church in providing funds for improvements, said the site was large and hoped for approval.

Michael Moore, said he lives directly in front of the flag shaped lot, said the 12,767 square foot lot (2) was located behind his and Ms. Irving's house, felt the project would place a road next to his house which is not currently there now, voiced concerns with privacy loss, added noise, agreed the church needed to sell the land, said he received vague answers to questions regarding the purchase and acreage of the property, said he was at the neighborhood council meeting and the realtor represented the lot as being zoned as R3 which was not true. He was presented with a notice of public hearing which he felt was vague, said there were possible variances to the land use and his main concern was that since his house and his neighbor's house was zoned R1, that the lot behind them also be zoned R1 and if this occurred, he would have no objection of what they plan to do. He felt their plans take a leap from what is being sold as an R1 lot to a higher density lot because they could get three times the value of the land if it were zoned for high density housing rather than single family use. He said he and his realtor determined there was not room for two buildings on the lot and they would have purchased the land if it was a reasonable price. He said he lived in the area all his life and resents outsiders coming in who tell him about the representative flavor of the neighborhood because he felt it was definitely single family residential.

Commissioner Rao confirmed Mr. Moore had objection to the construction of multiple units, but not a single family residence.

Commissioner Lee confirmed Mr. Moore and Ms. Irving were the owners of Parcels B and C, respectively.

Lois Irving, said her main concern was that they told them about the lot and that they tried to offer the lot for sale to them, and said they did not. She said she and Mr. Moore were going to go in together and try to purchase the lot, said her husband was a disabled veteran and to get a high rise behind their home would be a big mistake, but would support a single story, single family residence.

Rebuttal

Jean Gonzales, American Canyon, pointed out that within the last few years, a shopping center was purchased directly behind the church, torn down and 42 single family homes were constructed. At that time, they approached them about using their property as an emergency entrance/exit, which they were willing to do. If they did not get that, they would have to install sprinkler systems. They went ahead and installed sprinkler systems in all of the 42 houses. The property was still vacant and they did meet with Mr. Moore and Irving and offered them the property at a very good price, but an offer was not received in time.

Chair Finlay confirmed with Ms. Gonzales that the subdivision behind the property were all two story homes.

Michael Moore, said he was not in favor of the subdivision replacing the former grocery store, but he felt that since the grocery store had been abandoned for a year, homeless people were living there, rats were present, there was crime, and dumping was going on, any development would have been better. The housing project is a PUD, is enclosed by walls, and the developers had to obtain a variance to build single family homes and people came in from out of the area to buy the homes.

Commissioner Winston referred to the zoning ordinance, SFR3 and their uses, and she said that the permitted uses were single family residential or second dwelling. The last page discusses parking spaces and it refers to only a single family residence or duplex allowable use and she asked if a duplex was allowed under this zoning. Mr. Thompson said yes, there is the minimum lot size and this exceeds it which enables it to have a duplex. He said the buyer could subdivide the lot again, as the minimum lot size is 5,000 square feet, there could be two houses, or a dwelling group configuration could be done or a duplex.

Commissioner Winston questioned how much was required to be removed for the fire department's turn-around, and Mr. Thompson said this would depend upon the design. A portion of the 136 X 25 feet would be taken out for the roadway, the hammerhead design area would be taken out, and so it would be reduced quite substantially. However, he believed there may still be 7,500 square feet available.

Mr. Thompson gave staff summation, stating that staff recommends the Planning Commission adopt staff's recommended findings as prescribed for a proposed subdivision by Sections 66473.5, 66574 and 66474.6 of the State Subdivision Map Act, thereby approving Tentative Parcel Map 775-90 dated January 2007 subject to the conditions specified in the draft resolution provided as Attachment 4.

The public hearing was closed.

ACTION: It was M/S (Harris/Williams) that the Planning Commission adopt staff's recommended findings as described for the proposed subdivision by Sections 66473.5, 66574 and 66474.6 of the State Subdivision Map Act, and approve Tentative Parcel Map 775-90, dated January 2007, subject to the conditions specified in the draft resolution as Attachment 4, with modifications to Item 45 to identify the West County Wastewater District Service Area as opposed to the Sanitary District; and also with the elimination of item 50; unanimously approved.

COMMISSION BUSINESS

7. Reports of Officers, Commissioners and Staff

Richard Mitchell reported another General Plan Advisory Committee was held last night and noted the Commission was briefed on it.

Commissioner Rao said at the last meeting, the nominating committee came up with Commissioner Winston to serve as the Secretary of the body and he made a motion to accept

the nomination committee's recommendation. **Commissioner Winston** questioned the advice of the City Attorney's office in the matter of the item needing to be agendaized. **Chair Finlay** said the action was simply to forward the recommendation of the nomination committee.

ACTION: It was M/S (Rao/Williams) to accept the recommendation to consider Commission Winston as Secretary of the Planning Commission as unanimously presented by the nominating committee; unanimously approved.

Chair Finlay said there are three Commissioners who are going to be either termed out or who have chosen not to serve again after June 30th. Commissioner Winston indicated she would not serve if asked, Vice Chair Williams indicated he would not continue to serve if asked.

Commissioner Winston noted the Rules Committee made a recommendation on what a quorum would be at a previous meeting and the Commission voted on it; however, this was revisited and they may make another recommendation after reviewing the Municipal Code.

Chair Finlay said the City Council did have their meeting on May 1st, they adopted a resolution formally establishing a policy of the Council concerning the continuing of boards and commission member's terms. Mr. Mitchell said he could not recall what the outcome was. Ms. Harbin said she had a conversation with Carlos Pravat who discussed the matter, the prevailing issue is that the Commission could be asked to serve continuously until such time as the new revisions to the ordinance take effect, which would override the 8 year term limit. So, part of the Code is to continue adding boards and commissions, having them work actively for the city and provide their service as needed beyond the end of their term if they so chose.

Commissioner Winston felt this was an amazing conclusion to be made by an attorney since their wording was so clear in the Municipal Code; "The term of office of members of the Commission shall be for 2 years. No member shall serve for more than 4 consecutive full terms."

Chair Finlay said she had asked for an opinion paper at the last meeting. She did listen to the Council meeting comments and in understanding the vote, she said they felt it was certainly within their prerogative to continue to ask board and commission members to serve after their term. But, she was not sure about how this would be written up and asked the Rules and Regulations Committee to return.

Commissioner Winston said the Rules and Procedures Committee held a virtual meeting, the first question they answered was whether or not the Municipal Code was clear in that 8 years was 8 years, and it was determined by the Committee that a commissioner could not continue their term after 8 years. The next question was the ability of a current Commissioner who had time on their term to continue on under the revised Planning Commission/Design Review Board structure. She would agree a commissioner could continue on because whether or not the Planning Commission was renamed or reconstituted, the law still indicates there will be a Planning Commission. She said Commissioner Harris felt this was the Council's decision.

Commissioner Harris said his term completes June 2007, so it seemed to him that if he were to continue serving on the combined Board, he would still have to re-apply because his term was up. However, for those terms complete in June 2008, you could continue on the new board without the need for any re-appointment.

Commissioner Winston said the recommendation of the Rules Committee was that they were all in agreement that the municipal code is clear that after an 8 year term, it stops. They agreed on the second question, but did not know for sure. She felt it was the Council's call, but based on what they know now, Commissioner Harris would need to re-apply, and she would not be able to continue, as well as Commissioner Williams. Regarding who would be added into the mix was not addressed.

Chair Finlay felt that now that we have a recommendation from the Rules and Procedures Committee on who can continue, she asked the Attorney if the Commission could take a vote on it or would it have to be properly noticed.

Mr. Minn said the Commission would need to indicate there will be a vote and then vote.

ACTION: It was M/S (Winston/Williams) to have a vote on the recommendation of the Rules and Procedures Committee; unanimously approved.

MOTION: **Commissioner Winston** made a motion that the Planning Commission or other future named body confirm that the term of office of members of the Commission shall be for two years, any member can serve for more than 4 consecutive full terms to a maximum of 8 years, and that hold-over provisions are not allowed.

DISCUSSION:

Commissioner Rao felt the Council would overrule their own argument. **Commissioner Winston** felt it was confusing; possibly her motion should have been that the Commission will continue to operate under the Municipal Code, paragraph 3.20.030 as interpreted by the City Council.

Chair Finlay said they have an ordinance which they feel should be the commission's governing ordinance, but the City Council took a policy decision and made a vote on a policy decision but did not change the Commission's governing documents which say 8 years is the maximum term. She when she asked the Rules and Procedures committee to meet and interpret the commission's rules, she did not know the other policy issue was on the table. If the Council creates a policy that does not change the ordinance, she questioned where this left the Commission.

Mr. Minn felt the Commission should simply wait until the ordinance was changed. He confirmed there was time to amend the ordinance before June 30th.

Commissioner Harris felt the Commission did not have the authority to amend the ordinance and the only thing we can do is make the interpretation. **Commissioner Winston** felt the Commission should indicate that they want their rules to stay as they currently are and this was what she was trying to make a motion for.

Chair Finlay said with two commissioners indicating they will not be available after June 30th, then there is no quorum of the Planning Commission because their quorum is clearly 5 people, and appointments need to be made or they need to amend the resolution or the ordinance.

Mr. Minn did not think that the City Council should have made a policy decision that conflicts with an ordinance.

Chair Finlay felt then that the Planning Commission would simply continue to exist, but they would not have a quorum to hold meetings.

Commissioner Rao noted the City Attorney had, in the past, made a determination that Planning Commissioners with expiring terms could continue for a span of 90 days. **Chair Finlay** said there was a question of trying to limit the amount of time there could be a holdover for 30 days and she did not know what has come out of that Council meeting, but felt it was open-ended. So, she felt clarification was needed as to whether or not Commissioner Harris will have to re-apply.

Commissioner Winston said at a later date, she would also like an opportunity to provide her reasons for not wishing to be extended.

Chair Finlay formally requested the nomination committee convene during the month of May and return on June 7th with a slate of officers who would serve for as long as the Commission still exists. Depending upon what happens with Commissioner Harris, the nominating committee would also become the only three people who would be available to serve.

Adjournment

The meeting was adjourned at 9:30 a.m.
