



CITY OF NEWARK PLANNING COMMISSION

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City Administration Building
7:00 p.m.
City Council Chambers

MINUTES

Tuesday, February 12, 2008

A. ROLL CALL

At 7:04 p.m., Chairperson Marshall called the meeting to order. All Commissioners were present.

Commissioner Blowers moved, Vice-Chairperson Fitts seconded, to move Item F.1 to after Item D (Oral Communications). Motion passed 7 AYES.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, January 22, 2008.

Commissioner Santana moved, Commissioner Bridges seconded, to approve the Minutes of January 22, 2008. The motion passed, 5 AYES, 2 ABSTAIN (Fitts and Young).

C. WRITTEN COMMUNICATIONS

Planner Fujikawa mentioned that letters regarding the auto wrecking yards' applications, from Margaret Lewis, Millicent Malliett, and Attorney Renee Robin, were received and distributed to the Planning Commissioners prior to tonight's meeting.

D. ORAL COMMUNICATIONS

None.

F. STAFF REPORTS

F.1 Review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) for wall signs (Joy Vietnamese Restaurant) at 5720 Mowry School Road (formerly Flavors Palace)

Planner Fujikawa gave the staff report. The applicant requests approval of three identical wall signs, one facing Mowry School Road, one towards Balentine Drive and one facing the parking lot. The proposed signs consist of 18-inch high, individual channel letters which read *JOY* and an 18-inch high cabinet sign that reads *Vietnamese RESTAURANT*.

Staff recommends that the Planning Commission, by motion, approve a review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) with Exhibit D, pages 1 through 3, for wall signs (Joy Vietnamese Restaurant) at 5720 Mowry School Road.

The applicant was available to answer any questions from the Planning Commission. No questions were asked.

Vice-Chairperson Fitts moved, Commissioner Bridges seconded, that the Planning Commission, by motion, recommend the City Council approve U-82-48, a conditional use permit, and P-82-49, a planned unit development, with Exhibit D, pages 1 through 3, for wall signs (Joy Vietnamese Restaurant) at 5720 Mowry School Road (formerly Flavors Palace). Motion passed 7 AYES.

This item will go before the City Council on February 14, 2008.

E. PUBLIC HEARINGS

E.1 Hearing to consider an extension of a conditional use permit (U-90-44) and a planned unit development (P-91-13) for an existing auto wrecking yard (Ace Auto Wreckers) at 7580 Mowry Avenue

Planner Fujikawa gave the staff report. Mr. Elmer Hebert, property and business owner of Ace Auto Wreckers has applied for an extension of a Conditional Use Permit and a Planned Unit Development to continue operating an existing auto wrecking yard at 7580 Mowry Avenue. The subject site is part of the City's General Plan "Area 4" which the General Plan designates for high-quality residential development, open space and a golf course. The Property contains inoperable, dismantled and crushed vehicles. Also on the property are metal storage buildings, metal fencing, vehicle parts and equipment for the dismantling and crushing process, and an unlandscaped front parking lot.

Planner Fujikawa introduced Community Development Director Terrence Grindall who summarized staff's recommendations of this application.

The use of this property as wrecking yards is not consistent with the General Plan and zoning for this property. It has been allowed on a temporary basis. Now that the Area 3 and 4 Specific Plan is moving forward and is expected to be before the

Planning Commission in August 2008 and the City Council in September 2008, this inconsistent use should end. In order to compromise and accommodate this business, staff has offered allowing the temporary use to continue until 2010 in return for certainty of the end date of this use. The property owner has rejected this compromise. Given the lack of agreement, staff recommends that the application be denied.

Answering Commissioner Bridges, CDD Grindall stated that the adjacent Peterbilt property was not included in the Area 4 Study.

Chairperson Marshall opened the public hearing.

Mr. Elmer Hebert, owner of Ace Auto Wreckers, 5012 Brophy Drive, Fremont, CA, 94536, stated to the Planning Commission that he does not agree to the Conditions of Approval attached to the Staff Report.

Mr. Kevin Ahaesy, Cushman and Wakefield, 329 Bay Street, San Francisco, CA, representing Mr. Hebert, stated that his client is denying acceptance of the Conditions of Approval because he believes no development plan for his property has been submitted or approved and his client would like to maintain the status quo of being granted extensions until a development plan has been proposed and accepted. He stated that nothing had changed since the year before. No actual development plan has been submitted.

Commissioner Bridges commented that maybe these uses should not have been approved in the past.

Mr. Ahaesy commented that wanted the timeframe to be based on an actual event not an arbitrary date.

Commissioner Bridges asked the applicant whether he would prefer to change the expiration date of the extension to March 2009 with the same conditions as previously granted instead of the final date of March 2010. Mr. Ahaesy answered that his client did not want to have an arbitrary date set, and would prefer to operate his business until an actual development plan for the property is in place.

Vice-Chairperson Fitts confirmed with CDD Grindall that a Specific Plan for Area 4 was already in process.

CDD Grindall indicated that the development plan was actually well underway, that the City has entered into a Memorandum of Understanding with the developer, and that the developer has made a large deposit to fund the plan. There have been four Community Meetings in the last 14 months and the conceptual land use plan would be brought to the Planning Commission at their next meeting.

Chairperson Marshall closed the public hearing.

Commissioner Bridges asked CDD Grindall why staff has proposed to provide 2 years instead of 1 year.

CDD Grindall explained that the proposed conditions would have required the applicant to waive rights to appeal in the future, so if the applicant agreed to that condition, in return he would receive 2 years certainty to operate his business.

CDD Grindall explained to the Planning Commission that the Applicant had originally agreed to the Conditions of Approval that are attached to the staff report, but has recently changed his mind, therefore staff is recommending denial of this application and if the Planning Commission denies the application for the extension of the Conditional Use Permit and Planned Unit Development, staff would submit an appropriate Resolution of Denial to the Planning Commission.

Commissioner Kramer confirmed with CDD Grindall that in 1988 they applied for a use permit and if it were not granted they would have been out of conformance with the General Plan and Zoning Ordinance. He confirmed that they had applied for extensions from that time to the present.

Commissioner Bridges confirmed with the Applicant that he was not in agreement with the Conditions of Approval and that he felt a compromise could not be reached with staff during this meeting.

Vice-Chairperson Fitts made a motion, seconded by Commissioner Young, to deny the extension of a Conditional Use Permit (U-90-44) and a Planned Unit Development (P-91-13) for an existing auto wrecking yard (Ace Auto Wreckers) at 7580 Mowry Avenue. Motion passed 7 AYES.

City Attorney Gary Galliano, confirmed with Chairperson Marshall that the motion to deny the application includes the direction that an appropriate Resolution of Denial be returned to the Planning Commission.

E.2 Hearing to consider an extension of a conditional use permit (U-90-39) and a planned unit development (P-90-48) for an existing auto wrecking yard (Pick-N-Pull) at 7400 Mowry Avenue

Planner Fujikawa gave the staff report. HMM-Engineers, on behalf of Pick-N-Pull, have applied for an extension of a Conditional Use Permit and a Planned Unit Development to continue operating an existing auto wrecking yard at 7400 Mowry Avenue. The subject site contains inoperable, dismantled and crushed

vehicles, metal storage buildings, metal fencing, vehicle parts and equipment for the dismantling and crushing process, and an unlandscaped front parking lot.

The property is part of "Area 4" which the City's General Plan designates for high-quality residential development, open space and a golf course. Given staff's position that the continued use of the property as an auto wrecking yard is not consistent with the General Plan, staff recommends the Applicant's request be denied.

CDD Grindall summarized staff's recommendations on this application. He stated that this case is similar to the previous item since they are adjacent properties. The use of this property as a wrecking yard is not consistent with the General Plan and zoning for this property. It has been permitted on a temporary basis. Now that the Area 3 and 4 Specific Plan is proceeding and is expected to be before the Planning Commission in August, 2008 and the City Council in September, this inconsistent use should end. Staff has met with the applicant's representative on two occasions to get their input on the development plan.

The auto wrecking yard is incompatible with and inhibits the orderly implementation of the General Plan uses for the property and surrounding areas. Due to the longer than anticipated time that it has taken to proceed with development of the property in accordance with the General Plan, Pick-N-Pull has had the benefit of operating its auto wrecking yard for a much longer period of time than contemplated when the property was annexed to the City. In order to accommodate this business, staff has offered a compromise allowing the temporary use to continue until 2010 in return for certainty of the end date of this use. The portion of the Pick-N-Pull operation that has a "grandfathered" use permit would have been included in the compromise. After extensive negotiations, the property owner has rejected this compromise. Given the lack of agreement, staff recommends that the application be denied.

Staff recommends that the Planning Commission, by resolution, deny the requested extension of a Conditional Use Permit (U-90-39) and Planned Unit Development (P-90-48) for an existing auto wrecking yard (Pick-N-Pull) at 7400 Mowry Avenue.

Commissioner Bridges asked whether the applicant disagreed with all nine conditions listed on page 2 on the letter dated February 1, 2008 from Attorney Renee Robin of Fitzgerald Abbott & Beardsley.

CDD Grindall replied that Pick-N-Pull did have objections to many of the conditions but the key disagreement involved the appropriate milestone for triggering the timeframes of the Agreement. The structure of the proposal was that there would be a specific timeframe beyond the milestone. The City proposed the adoption of the Specific Plan as the milestone. Pick-N-Pull

requested milestones that were within their control. City Staff did not and does not feel that is appropriate.

Answering Commissioner Kramer, CDD Grindall replied that a 5-acre parcel that is adjoining to the property is not included in this application because it's Use Permit does not have time limits; it was approved when the property was located in Fremont.

Commissioner Blowers asked whether the parcel known as the Peterbilt Test Track will be cleaned up even though it is not a part of Area 4. CDD Grindall replied that the issue would be discussed further in the Specific Plan.

Chairperson Marshall opened the Public Hearing.

Applicant Tom Klauer, 7400 Mowry Avenue, Newark, CA 94560, gave a brief history of his auto wrecking yard operation. Mr. Klauer stated that he believes since he took over the business, he had cleaned up the property, provided employment opportunities for 25 full time people and has provided numerous benefits to the City including provision of vehicles to the Fire Department for training purposes. He stated that he has a letter on the wall of the business from Mayor Smith thanking them for their assistance in this regard. He claimed to have provided a service to the Community by removing abandoned vehicles from the streets at a time when there was no value to Pick-N-Pull in providing this service. Mr., Klauer claimed that, contrary to staff's statement, Pick-N-Pull was not adjacent to Ace Auto Wrecking.

Mr. Klauer also stated that he is not trying to block the development of Area 4 but thinks vacating his property within two years regardless of a Development Plan being in placed or not was unfair. He did not wish to see his property to remain vacant if no development of the land gets underway. He believes that filing an Environmental Impact Report does not guarantee that the Area 4 Development Project would be built.

Mr. Klauer objected to the statement that the Developer had put up the money for the Specific Plan. He claimed that Sobrato was not a developer that they were a land owner and they would spin the property to a developer.

Mr. Klauer stated that they had not tried to set milestones within their control. He claimed that the milestones they requested would have assured that the project would move forward. He stated that if they were shown that a Developer was signed up they could be out of there in 3 months.

CDD Grindall reiterated that in Pick-N-Pull's written communications, they had requested milestones that were entirely within their control. He indicated that during negotiations the City had offered to trigger the timeframes to the Specific Plan approval and add 18 months beyond that point. The Applicant adamantly

rejected this proposal. Staff felt it is important that the milestone not be in the Applicant's control.

Mr. Steve Heiskel, Chief Development Officer, 6886 Fallsbrook Court, Granite Bay, CA, stated that during his meeting with City representatives they indicated that their conditions in their earlier correspondence were negotiable. He claimed that the Section 404 Permit was the only milestone possible and that he felt it was not controlled by the Applicant nor by the City, and is the only milestone that his client would agree to before vacating his property.

Mr. Heiskel stated that as a landowner, he expected to be invited to be a part of the planning process for the golf course and residential development. He proposed that they would immediately shutdown their business as soon as permits are received.

Mr. Heiskel surmised that the City's intent was for the auto wrecking yard cease operations as soon as a Specific Plan for Area 4 is adopted. He reiterated that the Specific Plan was not a guarantee for the property being developed.

On behalf of his client, Mr. Heiskel stated that the premature closing of this successful business would seem short-sighted and does not take into account the livelihood of their 25 employees, the impact of the existing local businesses, or the fiscal needs of the City. He stated his Client's belief that the City is catering to the needs of large developers, and is looking to devalue his property by denying the Conditional Use Permit.

Commissioner Kramer asked for staff's view of the 404 Permit.

CDD Grindall explained that a 404 Permit would need to be issued by the Army Corp of Engineers, if the project required the filling of wetlands within their jurisdiction and the construction would likely proceed immediately after the permit was issued. The fact that the permit might not even be needed and the fact that it would come at the very end of the development process made it an unacceptable milestone.

Commissioner Kramer asked whether other milestones were considered.

CDD Grindall explained that the City and the applicant studied various options for milestones. Staff eventually concluded that the adoption of the Specific Plan was the most appropriate milestone. Since it was understood that development would not immediately proceed, the City proposed that a period of 18 months beyond that date would be provided. The applicant rejected this compromise.

Mr. Heiskel, commented that in his discussions with Sobrato Company, it was mentioned that development of the property was still 4-5 years away. He also

stated that the two options for Area 4 that the City proposed would both require a 404 Permit.

CDD Grindall noted that it is not appropriate for the Applicant to report on the supposed conversations of other parties. He expressed confidence in the City's schedule.

Commissioner Kramer commented that the 404 milestone was not applicable because work could continue on other parts of the development project that is not part of the permit. CDD Grindall confirmed this.

Ms. Renee Robin, Fitzgerald, Abbott & Beardsley, LLP, 1221 Broadway, Oakland, CA 94612, representing Pick-N-Pull, clarified that all property owners in Area 4 would have to sign a development application or give their authorization, before any development on the land can take place. Unless the City is planning to take the property by eminent domain which she understands is not the case. Ms. Robin stated that her client would be happy to sign a development application if a 404 Permit application is submitted. She stated that she had always participated in the community process but she claimed they were closed out of discussion about the formulation of the alternatives. She claimed to have never been given a chance to provide input on the land use configuration.

Ms. Robin further explained that a 404 Permit would require the Army Corp of Engineers review the entire site in Area 4 and any environmental issues would have to be mitigated before the project could proceed. She reiterated that the 404 permit milestone was not under her Client's control and would allow a real proposal and not just a Specific Plan to come forward.

Ms. Robin stated that she objected to language in the staff report that she received at 4:00pm. She questioned whether there was appropriate due process. Ms. Robin questioned the timing of when her client had received the City's staff report and asked whether the Planning Commission would continue this item to another meeting date, to allow her clients more time to review and respond to the information in the staff report.

Ms. Robin stated that if they had been offered the same conditions that had been offered the year before they would have no issues with it, but she objected to the proposed conditions including the need to provide a \$250,000 bond and to sign away rights. She objected to first being give a set of conditions for approval and then receiving a staff report for a denial. She claimed that since the General Plan was adopted in 1992 and the use began in 1968 they were not inconsistent with the General Plan until 1992. She claimed the Developer had informed her that the continued operation of the wrecking yard would be a positive for the development not a negative. Ms. Robin stated that if they were offered a reasonable proposal they are willing to work with the City.

Ms. Robin also stated her opinion that the termination of an existing use requires different CEQA consideration than the denial of a proposed new use and she believes staff did not address this in the staff report. She also stated that the Planned Unit Development and the Conditional Use Permit which were granted for this property meant that the use of an auto wrecking yard was no longer inconsistent with the General Plan.

CDD Grindall commented that Pick-N-Pull's claim that it has not been involved in the planning process is untrue based upon the Community Meetings that they were invited to and had attended, and the two meetings that he has personally had with Pick-N-Pull representatives. He stated that at both of these occasions Pick-N-Pull's representative indicated that they had no problem with either alternative.

CDD Grindall also responded that in 1968 the property was not a part of Newark, but was a part of the City of Fremont.

CDD Grindall also responded that it was inappropriate for the applicant to request a continuance on this item to allow more time to review the proposed agreement since the Principal for Pick-N-Pull stated he would never agree to its terms.

Mr. Jesus Vector from Hayward, CA, stated that he worked for Pick-N-Pull for 23 years and asked the Planning Commission, on behalf of all of the Pick-N-Pull employees, to determine the right time to close the facility.

Mr. Ed Valdez from San Jose, CA, stated that he too is an employee of Pick-N-Pull and asked for an exact time when the facility would close. He also mentioned that he is an avid golfer.

Mr. Mel Satilla, from San Jose, CA, stated that he is an employee of Pick-N-Pull and, indicating the audience, wanted the Planning Commission to see all of the employees and their families who will be affected by the Planning Commission's decision.

Mr. Tom Armstrong, HMH Engineers, 1570 Oakland Road, #200, San Jose, CA 95131, stated that he feels that the City's consultant team is qualified and had worked with all of them. He agreed with CDD Grindall that his clients were apprised numerous times of the City's position. In his experience as a land planner, Mr. Armstrong does not believe the City would be able to obtain all necessary permits in the timeframe outlined by the City in the staff report.

Mr. Armstrong stated that in his conversations with Sobrato Development Company, it was disclosed that two sets of 404 Permits and two sets of 401C Mr.

Armstrong claimed that Sobrato's representative told him that the Regional Board staff said that they hated the project. Certification of those permits would be required by the Regional Board and a separate Environmental Impact Report would have to be filed for the golf course.

Mr. Armstrong reiterated that his client is asking to be able to continue operating his business during the time that the City is applying for the necessary 404 permits. He also pointed out that the auto wrecking yard is inconsistent with the general plan use of low density residential, but the golf course use would also be inconsistent with this use, so a rezoning and General Plan change would need to be approved by the Planning Commission and City Council before development of the golf course could occur.

Mr. Armstrong referred to an email from City staff received on February 11, 2008, that stated no further communications would be forthcoming on this project and when pressed for a staff report, it was faxed to him at 4 p.m. the night of the Planning Commission meeting.

CDD Grindall stated that the E-mail Mr. Armstrong referred to was based on his understanding that Pick-N-Pull had already received the staff report in the mail.

CDD Grindall stated that 18 months from the time a Specific Plan is adopted would allow the applicant close to two years to continue operation of his business which staff believes is a reasonable amount of time. CDD Grindall stated that the City tried to negotiate in good faith with Pick-N-Pull, but was not able to reach an agreement.

Answering Commissioner Santana, CDD Grindall stated that he did not agree with Ms. Robin's statement that the uplands could not be worked on while the lowlands were being looked at. He further explained that a concept plan is currently being worked on for the entire project site, and the Specific Plan which would be adopted at a later date would detail how the phases of the project be worked out.

Answering Commissioner Bridges, CDD Grindall explained the City's proposal of 18 months after the Specific Plan was approved would automatically grant an extension to the applicant if work on the Specific Plan gets delayed. CDD Grindall stated that the Applicant rejected this proposal. He stated that the Planning Commission and City Council could add additional time in the future if they desired.

Ms. Renee Robin of Fitzgerald, Abbott & Beardsley, stated that the Clean Water Act (404) requires an individual permit be obtained for the entire project site if the amount of wetlands affected by a proposal is over .5 acres and the project area has over 250 acres of wetlands. She claimed that no work will be able to be done on

the project until you have a 404 permit. She stated that she has never seen a 404 permit completed in less than 18 months.

Ms. Robin also objected to the February 11, 2008 email from CDD Grindall and mentioned the lack of sufficient time in receiving the staff report and stated that her client did not object to the 18 month timeframe for continuing the operation, but objected to other conditions, i.e. the waiving of rights, including other property not included in this permit, asking for a \$250,000 bond, etc.

Commissioner Kramer asked if the applicant would be more willing to come closer to the City's position if they were allowed more time by a continuance of this item to another meeting versus being faced with a denial of his application.

Mr. Tom Klauer, President, Pick-N-Pull, 6029 Garden Highway, Sacramento, CA, asked for a reasonable milestone, and stated that the milestone they were presented was not a reasonable milestone. He expressed hope that the City's plan for Area 4 does get approved, but does not want the land to sit vacant in two years. Mr. Klauer commented that CDD Grindall's statement that the project might not need a 404 permit was a lie.

Mr. Klauer stated that after meeting a mutually agreeable milestone they could be off the property in 3 months. He stated that the milestone must indicate eminent development if he had a guarantee that the project would be moving forward in two years he would be fine with the milestone the City proposed, but he stated that his experts believe that it is not possible. Mr. Klauer stated his desire to work with the City

Chairperson Marshall and Commissioner Kramer agreed that the applicant did not give a definitive answer to the question asked.

CDD Grindall clarified that if a project does not fill any jurisdiction's wetlands, then a 404 Permit is not required.

Ms. Robin stated the residential bubble that was shown on the Commissions' preferred alternative was almost entirely wetlands and the only property that is not within the Army Corp of Engineer's jurisdiction is Pick-N-Pull's.

Answering Commissioner Bridges, CDD Grindall confirmed that the \$250,000 bond is not inconsistent with the amount requested for other projects of a similar nature, and that the City was willing to negotiate on this condition of approval, but pointed out that staff and the applicant could not agree on an acceptable milestone. He reiterated that staff firmly believes that the approval of the Specific Plan is the most appropriate milestone, and given the time for development from that point of approval is the reason for the additional 18 months given to the Applicant.

Mr. Rich Bernelly, 4754 North Del Drive, Fremont, CA, partner of Central Towing and Transport LLC commented that his company tows many disabled or abandoned vehicles as a courtesy to the Newark Code Enforcement Department. He stated that the vehicles are removed from the City's streets and delivered to Pick-N-Pull for dismantling. Mr. Bernelly believes that closing down Pick-N-Pull would create a new problem with what to do with future abandoned vehicles.

Mr. Tom Armstrong stated that he tried to work with City staff to relocate his business to another location within the City but was told that the City could not find a location where they could support his auto wrecking yard use. He indicated that other cities felt the same about this use.

Ms. Kim Skinner, President of All Ways Transport, stated that her company also tow vehicles to both auto wrecking yards and has been doing so for many years.

Mr. Alfred Nunes of Brentwood, CA, stated he was a property owner of land within Area 4 and is concerned with his livelihood and asked the Planning Commission to give him a "fair shake".

Mr. Walt White, 40152 Fremont Boulevard, Fremont, CA, owner/operator of Walt's Mission Pass Tow, believes the timeframe given to Pick-N-Pull would give him and all of the other towing companies the timeframe to consider what to do with their own businesses since fuel costs are too high for them to be able to tow vehicles to San Jose or to Hayward. He stated that many more people's livelihoods were at stake.

Chairperson Marshall closed the Public Hearing.

Answering Commissioner Young, CDD Grindall stated that if the Specific Plan was approved, but the project fell through, then the Planning Commission could reconsider the proposal and extend the timeframe.

City Attorney Gary Galliano, stated that in his experience, the discussions and meetings between staff and the applicants is a dynamic process and typically out of these discussions an agreement is made on the Conditions of Approval which staff then presents to the Planning Commission. In this case, an agreement was not reached which is the reason why staff is recommending denial of the extension of the Conditional Use Permit.

CA Galliano, pointed out that the chart in Exhibit B which is attached to the staff report showed that the applicant was in agreement with all of the conditions of approval in relation to this project, starting from 1998.

Commissioner Santana thanked staff and all parties involved in this application and believe there is enough information to make a decision on this application at this meeting.

Commissioner Kramer said it is regrettable that an agreement could not be reached and believe there has been considerable notice to the Applicant that the extension of the Conditional Use Permit may come to an end.

Commissioner Bridges is saddened that staff and the Applicant were not able to come to an agreement and thought the Applicant would be motivated to reach an agreement when faced with a recommendation to cease operations within 3 months.

Commissioner Bridges appreciated the Pick-N-Pull business during their years of operation in the City but stated that times change and the City needs to move forward and she has not heard any reason to delay making a decision at this meeting.

Commissioner Blowers appreciated all of the work that has gone into this application and hopes the project can go forward in a reasonable manner that will be workable for everyone.

Vice-Chairperson Fitts stated that every year the Planning Commission wrestle with allowing the extension of the Conditional Use Permit and says it is unfortunate that the applicant could not come to an agreement with staff's original proposal which would have allowed them to continue their operation for at least two more years.

Chairperson Marshall stated he may be the only Planning Commissioner that was on the Planning Commission in 1985 when the Conditional Use Permit was first approved. He also stated that this last extension would have allowed continuation of the business through March 2010 which would have given the applicant a date to plan on ceasing operation and vacating the property. He finds it unfortunate that an agreement with staff could not be reached.

Vice-Chairperson Fitts made a motion to deny an extension of a Conditional Use Permit (U-90-39) and a Planned Unit Development (P-90-48) for Pick-N-Pull Auto Dismantlers at 7450 Mowry Avenue, seconded by Commissioner Blowers. Motion passed 7 AYES.

The Planning Commission took a two minute break and reconvened at 8:42 p.m.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

All Planning Commissioners wished the Community a Happy Valentines Day.

Chairperson Marshall asked staff to look into banning smoking inside Condominiums and Apartment Complexes.

H. ADJOURNMENT

At 8:53 p.m., Chairperson Marshall adjourned the regular Planning Commission meeting of Tuesday, February 12, 2008.

Respectfully submitted,

TERRENCE GRINDALL
Secretary