

MINUTES  
TRACY CITY PLANNING COMMISSION  
MARCH 14, 2012  
7:00 P.M.  
TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTE APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA:

ITEMS FROM THE AUDIENCE

*In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Planning Commission Member to sponsor the item for discussion at a future meeting.*

1. OLD BUSINESS

2. NEW BUSINESS

**A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE SIGN REGULATIONS AFFECTING SIGNS FOR SCHOOLS IN TRACY – THE APPLICATION IS INITIATED BY THE TRACY CITY COUNCIL – APPLICATION NUMBER ZA12-0001**

**B. PUBLIC HEARING TO CONSIDER PLANNING COMMISSION RECOMMENDATIONS FOR ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND A GENERAL PLAN AMENDMENT, PRE-ZONING AND ANNEXATION TO THE CITY OF TRACY FOR THE TRACY DESALINATION AND GREEN ENERGY PROJECT, CONSISTING OF APPROXIMATELY 241 ACRES LOCATED EAST OF TRACY BOULEVARD IN THE VICINITY OF SUGAR ROAD, ASSESSOR'S PARCEL NUMBERS 212-160-05, 212-160-09, AND 212-160-11. THE APPLICANT IS TRACY RENEWABLE ENERGY LLC. THE PROPERTY OWNER IS THE CITY OF TRACY. APPLICATION NUMBERS GPA11-0004 AND A/P11-0001**

**C. PUBLIC HEARING TO ADOPT THE 2009 – 2014 GENERAL PLAN HOUSING ELEMENT AND CEQA NEGATIVE DECLARATION**

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

\* \* \* \* \*

The Planning Commission meeting was called to order by Chair Manne at 7:00 p.m.

The pledge of allegiance was led by Chair Manne.

ROLL CALL: Roll call found Commissioner Alexander, Commissioner Johnson, Commissioner Mitracos, Vice Chair Ransom, and Chair Manne present. Also present were staff members Scott Claar, Associate Planner; Alan Bell, Senior Planner; Bill Dean, Assistant Director of Development Services; Bill Sartor, Assistant City Attorney; and Elizabeth Silva; Recording Secretary.

MINUTES – None

DIRECTOR'S REPORT REGARDING THIS AGENDA - None

ITEMS FROM THE AUDIENCE – None

1. OLD BUSINESS – None

2. NEW BUSINESS

**A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE SIGN REGULATIONS AFFECTING SIGNS FOR SCHOOLS IN TRACY – THE APPLICATION IS INITIATED BY THE TRACY CITY COUNCIL – APPLICATION NUMBER ZA12-0001**

Alan Bell, Senior Planner asked that the Commission open the public hearing and continue the item to the next regularly scheduled meeting in two weeks.

Chair Manne opened the public hearing. As there was no one to speak to the item, the public hearing was closed.

It was moved by Vice Chair Ransom and seconded by Commissioner Alexander to continue the item to the next regularly scheduled Planning Commission meeting on March 28, 2012. Voice vote found all in favor; passed 5-0-0-0.

**B. PUBLIC HEARING TO CONSIDER PLANNING COMMISSION RECOMMENDATIONS FOR ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND A GENERAL PLAN AMENDMENT, PRE-ZONING AND ANNEXATION TO THE CITY OF TRACY FOR THE TRACY DESALINATION AND GREEN ENERGY PROJECT, CONSISTING OF APPROXIMATELY 241 ACRES LOCATED EAST OF TRACY BOULEVARD IN THE VICINITY OF SUGAR ROAD, ASSESSOR'S PARCEL NUMBERS 212-160-05, 212-160-09, AND 212-160-11.**

**THE APPLICANT IS TRACY RENEWABLE ENERGY LLC. THE PROPERTY OWNER IS THE CITY OF TRACY. APPLICATION NUMBERS GPA11-0004 AND A/P11-0001**

The staff report was provided by Scott Claar, Associate Planner. Mr. Claar stated the proposed project would be located in the City's Sphere of Influence, north of the I-205 freeway, and east of Tracy Boulevard. Mr. Claar indicated the proposed application was for a desalination plant to take the treated effluent from the water treatment plant, and remove salt. Mr. Claar stated the input to the project would be the treated effluent, and a biomass supply such as almond or walnut shells, or wood waste. Mr. Claar indicated the outputs would be distilled water, energy, and salt. Mr. Claar stated the proposed project involved an amendment to the General Plan to designate the site as Industrial, and most of the 241 acre site was currently agriculture. Mr. Claar further stated the proposal also included the annexation of the site to the City, with the pre-zoning as Light Industrial. Mr. Claar indicated a Mitigated Negative Declaration and an Initial Study had been prepared and published for public review in December of 2011. Mr. Claar indicated none of the comment letters received raised any issues that would challenge the CEQA documents or caused any changes to the document in any way. Mr. Claar stated staff's recommendation was that the Planning Commission recommend Council adopt the Mitigated Negative Declaration, and approve the General Plan Amendment, Pre-zoning, and Annexation.

Commissioner Mitracos asked if there was storage for the approximately 1.2 million gallons per day of treated effluent. Mr. Claar stated the Waste Water Treatment Plant was currently treating 9 million gallons per day, and there was a phased expansion which would bring it up to 16 million gallons per day. Commissioner Mitracos asked if treating the 1.2 million gallons would be enough to treat all of the effluent. Mr. Dean stated the purpose of the plant was to treat 1.2 million gallons per day, which would achieve the right salinity number when blended back into the effluent. Commissioner Mitracos stated he remembered there was an issue with the temperature of the effluent. Mr. Dean stated the water that gets discharged back into the Delta has to meet the State Standards on temperature and this process wouldn't affect that. Commissioner Mitracos asked if there would be another portion of treatment which would address the temperature of the effluent and Mr. Dean answered there would.

Vice Chair Ransom stated her concern was related to the Caltrans' comments in regards to the traffic, where the City's response was there would not be any impact. Vice Chair Ransom asked if the comments were related to construction traffic, or traffic after the project was complete. Mr. Claar stated the Caltrans comments were related to after the project was completed. Vice Chair Ransom asked if the likelihood was low that the agricultural land in question would be used for agricultural purposes again, as it had not been used in that manner in quite some time. Mr. Dean answered it was currently being used for shell storage and it was not going to be large impact for the proposed re-zoning.

Commissioner Alexander asked what would happen to the salt that is created from the project. Vanessa Carrera of the Public Works Department stated staff was looking for a beneficial use for the salt; however it would not be used for consumption. Mrs. Carrera stated the input would be primarily be from Leprino Foods, and would be from cheese processing.

Commissioner Johnson asked if the property was zoned by the County. Mr. Claar answered it was in the Sphere of Influence and the City had zoning for it; however it was in the County and they had their own zoning for it as well which did not necessarily have to match the City's designation. Commissioner Johnson asked if the Holly Sugar Sports Park was planned for the

site immediately west of this site. Mr. Claar answered that was correct. Commissioner Johnson stated he remembered one of the objections for the previously proposed location for a Sports Park was that it was close to a biomass plant, and he wanted to know if this was creating another issue. Mr. Dean stated this was a different type of power generation, and it was a similar design to the Musco Olive Plant, which had won awards for its clean design. Commissioner Johnson asked how Musco got rid of its salt waste. Mrs. Carrera introduced Frank Schubert of CST to answer the question. Mr. Schubert stated the salt from Musco is different from the City's salt as it has a lot of organics, and it is mixed with cow feed as sort of a salt lick. Mr. Schubert further stated there was a buyer in Mississippi which would buy the City's salt to use to make sodium hydroxide or something like that.

Commissioner Johnson asked if he understood that out of the 9 million gallons being treated today, a portion of that would be diverted, treated in this way, and shipped back to be blended with the other effluent to be discharged into the Delta. Commissioner Johnson asked if that would basically meet the State's Standards, or would it completely do away with the problem. Mr. Claar stated it would basically meet the standards. Mrs. Carrera stated with the desalination plant, the City would meet the standards for the Delta. Mrs. Carrera stated at complete build out she wasn't sure if this plant would be able to support the full amount of 16 million gallons per day; however that was at least 20 years out and hopefully the City would have found a way to deal with the salinity problem. Mr. Dean stated staff was looking at the solution for the future. Mrs. Carrera stated on the southern portion of the site, the plan included a solar thermal component, so that if more water needed to be treated in the future; the plan was in place to do so. Commissioner Johnson asked if the City had been fined. Mrs. Carrera stated currently there was a legal stay while the State finalized the Salinity Standards of the Delta, and the City had not been fined.

Commissioner Johnson stated it showed in the plan there would be a year's supply of fuel on site, and asked if there would be any concerns with storing that much fuel. Mr. Dean stated there hadn't been any issues found in the analysis, and also staff had coordinated with the Fire Department regarding the storage of wood or biomass. Mr. Dean introduced Ben Ritchie of De Novo Planning. Mr. Ritchie stated there were techniques for pile management, and fire suppression systems in place. Mr. Ritchie stated he wouldn't think of it as a year's supply of fuel, but rather a backlog of fuel that would fluctuate seasonally due to the various sources of fuel.

Commissioner Mitracos asked if the difference in the salt output would make it harder to sell the product. Mr. Schubert stated the salt from the wastewater plant would be easier than the Musco salt, as the Musco salt had more organic material in it and it came out like sludge. Mr. Schubert indicated the output here would be more like pure salt.

Commissioner Alexander stated 16.4 megawatts of energy would be produced, and the City would buy 1 megawatt. Commissioner Alexander asked if the remainder would be sold to PG&E. Mrs. Carrera answered yes, 15 megawatts would be sold to PG&E. Commissioner Alexander asked if that was a substantial savings to the City. Mrs. Carrera stated the City would definitely save on its power costs, and would offset some of the power costs at the wastewater treatment plant.

Chair Manne asked if there would be an odor associated with the plant. Mr. Schubert answered it would be a closed loop, and not odor would be escaping.

Chair Manne opened the public hearing. As there was no one to speak to the item, the public hearing was closed.

It was moved by Commissioner Mitracos and seconded by Vice Chair Ransom that the Planning Commission recommend the City Council adopt the Mitigated Negative Declaration for the Tracy Desalination and Green Energy Project; recommend that the City Council approve a General Plan Amendment to designate the 241-acre Tracy Desalination and Green Energy Project site as Industrial, Application GPA11-0004; and recommend that the City Council approve pre-zoning of the 241-acre Tracy Desalination and Green Energy Project site as Light Industrial (M1) and petition to LAFCo for annexation of the 241-acre site to the City of Tracy, Application A/P11-0001. Voice vote found all in favor; passed 5-0-0-0.

### **C. PUBLIC HEARING TO ADOPT THE 2009 – 2014 GENERAL PLAN HOUSING ELEMENT AND CEQA NEGATIVE DECLARATION**

The staff report was provided by Alan Bell. Mr. Bell stated the Housing Element was a required chapter of the General Plan. Mr. Bell stated the Housing Element was distinct in that; the State set up required content, the Housing Element was the only element which was reviewed by the State, and it was the only Element that was required to reviewed and revised on a specified regular basis. Mr. Bell stated the process for this cycle of the Housing Element had begun in 2010. Mr. Bell indicated one of the goals of this Housing Element was to obtain certification of the State that the Housing Element was in compliance with State law. Mr. Bell stated staff had received correspondence from the State HCD in October, indicating if the City implemented the programs in the Draft Element; it would be in compliance with State Housing Element law. Mr. Bell stated the version of the Housing Element provided to the Commission for this item was in strikethrough, underline format so the Commission could easily see what is different between what it had first seen, and today. Mr. Bell stated it was helpful to point out that the main part of the Housing Element which had drawn public concern was Program 17, which identified a future change to the GMO. Mr. Bell stated the GMO allowed an average of 600 housing units per year, and an annual average of 750 units. Mr. Bell indicated in the last two cycles HCD found the limit was too strict of a limit. Mr. Bell stated Tracy's Regional Housing Needs Assessment (RHNA) target was just under 5000 units, and with the average of 600 units per year, there were not enough units to reach the RHNA. Mr. Bell further stated if adopted, Program 17 would allow an exemption of housing units up to the RHNA. Mr. Bell stated there were currently other exemptions to the GMO, such as an infill project of 4 or less units, and this would work similarly to those exemptions. Mr. Bell stated the RHNA was broken down into income categories. Mr. Bell indicated the City would need to keep track of the number of housing units by income category. Mr. Bell indicated staff had prepared a Negative Declaration for the Housing Element. Mr. Bell stated staff recommended the Commission recommend Council adopt the Negative Declaration, and the Commission adopt and approve the Housing Element.

Commissioner Mitracos asked if the RHNA was basically 5000 units in a 7 year period. Mr. Bell answered yes. Commissioner Mitracos asked if there were only 100 units in the first 6 years, could there be 4900 units in year 7. Mr. Bell answered yes. Mr. Bell indicated the RHNA was not a production goal, it was a planning goal. Commissioner Mitracos stated he had looked at a number of Housing Elements and felt the process was broken and the incentives were wrong. Mr. Bell stated historically, the downside to having no certification was missing out on some State grants and loans. Commissioner Mitracos asked if staff was aware of any Cities that have been dramatically impacted as a result of not having its housing Element certified. Mr. Bell stated there have been funding sources the City had not applied for as a result of the Housing

Element not being certified. Commissioner Mitracos stated the citizens had voted that they wanted to regulate the rate of growth and this would significantly change that. Bill Sartor, Assistant City Attorney, stated this action would not do that, at a later date that may happen. Mr. Sartor added this action was to recommend City Council approve the Housing Element, and part of HCD's comments was that the City adopt Program 17 as well. Mr. Sartor indicated that would be a later process and would come back before the Commission for that to happen. Commissioner Mitracos stated HCD wanted the Program 17 to be adopted in order to obtain certification.

Alan Bell stated that the proposed resolution had been circulated with the proposed City Council Resolution and was on the dais for the Commission as well as left in front of the Council Chambers for members of the public.

Vice Chair Ransom asked if she was clear that if the demand for building permits exceeded the Measure A limits, the City would issue permits up to the RHNA. Mr. Bell answered if the City had issued all of the Measure A allowable permits, and received an application for another, staff would have to determine if the RHNA had been achieved for that year, and if not, it would have to be determined what income level the application was in, and if the RHNA for that level had been achieved. Mr. Bell indicated if it had not, the permit would be approved through the exemption. Mr. Bell added that in the original Measure A petition there was language that stated nothing in the petition shall be construed to result in the initiative being inconsistent with State Housing Law.

Commissioner Johnson stated he knew the City of Pleasanton was sued by the State and lost and had to pay fees to the Court. Mr. Sartor stated the City of Pleasanton also had to change their zoning to allow more available land. Commissioner Johnson stated he did not have a problem with Program 17, and he felt that it was something that had to be done.

Commissioner Mitracos stated it was a broken law, and there were no disadvantages to not being certified. Commissioner Mitracos stated it was heard that you can't receive State funds, but there are no State fees to be had.

Vice Chair Ransom stated she agreed with Commissioner Mitracos that the law was broken, and unfortunately many of the laws were. Vice Chair Ransom stated the City was out of compliance with the State law. Vice Chair Ransom stated if Program 17 had to be implemented to be in compliance, it should be more clear in saying it would only issue permits above the limit to the RHNA in that category. Mr. Bell asked if moving the phrase "in each income category" to follow the word "permits" in the last sentence would be more clear. Mr. Bell read "The City would issue building permits in each income category until the City's RHNA obligation has been met." Mr. Bell stated the language of the GMO amendment would come before the Commission if the Housing Element was adopted by Council.

Commissioner Mitracos stated it did not exclude building moderate level units before low income units, up the limit. Mr. Bell stated that was correct, it did not exclude the production of any type of housing. Commissioner Mitracos asked if over the seven years, we could see the moderate rate being built out completely, without any low income being built. Mr. Bell answered yes. Commissioner Mitracos asked how many residential units were currently in the City. Mr. Bell answered it was close to 22,000 units total, with most of those single family.

Chair Manne opened the public hearing.

Mark Connelly, 121 East Eleventh Street on behalf of TRAQC addressed the Commission. Mr. Connelly stated he had a letter he would submit after his comments. Mr. Connelly stated he was in agreement with Commissioner Mitracos' comments. Mr. Connelly stated the Pleasanton case was not an appellate case and was not binding. Mr. Connelly indicated Pleasanton's problem was there was a lot of commercial and industrial growth and it wasn't building the housing needed. Mr. Connelly stated the BIA sued Pleasanton. Mr. Connelly indicated Tracy had a vast area to build residential units in Tracy. Mr. Connelly stated there was no one standing at the door saying they want to build housing without being allowed to. Mr. Connelly stated that if the Commission said it would not certify the Housing Element they would not receive grants but there were no grants out there to be had. Mr. Connelly further stated it would be certifying the Housing Element to get Grants that don't exist and the only downside was maybe we would get sued. Mr. Connelly stated not a single request to build houses in Tracy had been denied. Mr. Connelly indicated the figures used for the Element were pre-2007, and pre-real estate crash. Mr. Connelly stated in year 2014 someone would come and ask for 3000 moderate level housing units, and because the voter initiative had been set aside, staff would have to issue the permits. Mr. Connelly indicated he had a letter which addressed policy issues and factual inaccuracies, such as the Tracy Hills Specific Plan being approved, and the Ellis Plan being an approved project and the outcome of litigation not being known. Mr. Connelly indicated the entire Ellis project was invalidated. Mr. Connelly asked what grants would be lost between now and 2014, and stated the answer is none.

John Beckman of the Building Industry Association (BIA) of the Delta, 315 North San Joaquin Street, addressed the Commission. Mr. Beckman stated the Housing Element law may be broken but it was State law that may be enforced. Mr. Beckman stated there were differences between the City of Pleasanton, and the City of Tracy. Mr. Beckman stated the GMO was a cap, and staff's recommendation was to not remove the cap but to place the cap in compliance with the State law. Mr. Beckman stated there may be no penalty for not complying with State law, however a third party may sue because of non-compliance with State law. Mr. Beckman stated that Mr. Connelly indicated there was no downside because there is no one knocking on the door to build homes and in 2012 that is correct; however in 2014 there may be hypothetically someone who wanted to build more than the 600 homes in the GMO and that person would be harmed.

Mr. Connolly stated the penalty for Pleasanton was because Pleasanton was building commercial but not residential, and that situation did not apply to Tracy. Mr. Connolly stated if the City was sued by BIA the case would not get to court before 2014 and it would be a mute point because the plan would be expired.

Chair Manne asked Mr. Connolly what was the harm in making a recommendation on this today. Mr. Connolly answered the harm was that the Commission would be making a permanent change that is not going to sunset. Chair Manne stated the action today was just a recommendation to Council. Mr. Connelly stated the question the Commission was being asked was to set aside the numeric limits of Measure A, which had been a grass-roots effort to change the rate of growth in Tracy. Chair Manne asked if Mr. Connelly thought the risk was a potential of 3000-4000 RGAs might get asked for and the deciding body would have to comply. Mr. Connelly answered that is what staff is telling them.

Vice Chair Ransom asked about the length of the Housing Element Cycle. Mr. Bell stated it had been five years, but there had been a State law passed that set it up so the cycles would be

either 4 years if the Element was not certified, or 8 years if it was certified. Vice Chair Ransom asked when staff expected to get the new RHNA figures. Mr. Bell stated the RHNA numbers for the next cycle would be out later this year or 2013. Vice Chair Ransom asked if there would be harm in tabling the decision until the new numbers were presented. Mr. Bell answered in this cycle, the City was catching up to what most jurisdictions had done already because it was the 2009-2014 cycle. Mr. Dean added that if the Commission decided to table the decision, the recommendation to Council would be to not recommend approval, but the decision would rest with Council. Vice Chair Ransom asked if by "catching up" Mr. Bell meant the numbers would be added during the next cycle, and not wiped clean. Mr. Bell apologized and stated that is not what he meant. Mr. Bell stated he meant catching up on the work on the Housing Element, and the RNHA would be wiped clean each cycle.

Mr. Beckman stated the BIA did not sue Pleasanton; it was a non-profit housing entity that filed the lawsuit and the BIA was not a party to that suit. Mr. Beckman further stated he had never threatened a lawsuit against the City. Mr. Beckman indicated he had no intention of filing a lawsuit, and he just wanted to bring up the possibility someone may file a lawsuit.

Chair Manne asked if there was any relevance in the discussion of tabling the discussion and waiting for new RHNA numbers and starting all over. Chair Manne stated it would cost more man-hours and taxpayer money. Commissioner Mitracos stated he felt it was a square peg in a round hole, and he still felt the whole process was wrong. Commissioner Mitracos stated if there is a lot of growth in a short amount of time, you get a boom community. Commissioner Mitracos stated the intent of the Housing Element was for places like Pleasanton where they did not want to build any housing. Commissioner Mitracos indicated he was concerned that the Commission would go against the instincts of the community.

Vice Chair Ransom stated she agreed with a lot of what Commissioner Mitracos said. Vice Chair Ransom further stated there was a penalty for not being in alignment with the State, right or wrong. Vice Chair Ransom indicated what she was looking at was possibly tabling the action until there were more accurate figures to base projections. Vice Chair Ransom asked for clarification on the duration of cycles and the numbers. Mr. Bell stated if the Housing Element is certified, the next cycle would need to be updated in eight years, and if it is not, it would be four years. Mr. Bell stated the goal was to get certification.

Commissioner Mitracos asked when the last time the City was in compliance. Mr. Bell answered never.

Mr. Dean stated there were three recommendations he had written down during the discussion: 1. Recommend approval of the Element, which was staff's recommendation; 2. Recommend approval of the Housing Element without Program 17; and 3. Recommend denial of the Housing Element.

Mr. Sartor stated the process was if Council was to adopt the Housing Element either with the recommendation by Commission, or against if the Commission chose to not recommend, it would be submitted to HCD for adoption and HCD would either say it is certified or not certified. At that point there would be another set of hearings to review the possible amendment to the GMA.

Commissioner Mitracos stated he could support leaving Program 17 out of the Housing Element.



Commissioner Johnson stated everyone knew where he stood on this, and read "Pursuant to State law the City is obligated to address and where legally possible, remove Government constraints affecting the maintenance, improvement and development of housing."

Commissioner Mitracos stated the City had never been there, and asked what was different at this point. Commissioner Johnson stated there was not harm, as they were limited by tentative maps, infrastructure, and other project approvals, and those numbers would never be reached anyway.

Commissioner Mitracos stated the harm was the citizens had said they wanted an orderly process to control growth. Commissioner Johnson stated this would not remove that, and there were still limits to the growth. Commissioner Mitracos stated this would allow the City to exceed the 600 units allowed in Measure A. Commissioner Johnson stated the City already did for low income, rebuilds, mother-in-law units, and this was just another exemption. Commissioner Mitracos stated this was not about low income housing, but about large scale development.

Vice Chair Ransom asked if there was some way to limit the number in the RHNA exemption so that one individual cannot come and take 2000 units. Mr. Bell stated that would be a level of detail that would be decided if and when staff came back with an amendment to the GMO. Vice Chair Ransom stated the RHNA exemption would kick in after the maximum amount of permits had been met already, and she wanted to know if there was a way to limit the number of permits available to an individual through the RHNA exemption only. Mr. Dean stated exempt from the GMO meant the GMO did not apply. Mr. Dean stated a policy could be put in the General Plan, but not in the GMO, because exempt meant exempt.

Commissioner Johnson asked if the language regarding conflicting with State law existed in Measure A. Mr. Bell stated in a paraphrased way, in the original petition for Measure A, it stated basically it is not to be misinterpreted to conflict with State Housing law. Commissioner Mitracos stated that was a different law. Mr. Bell provided an excerpt from the Measure A petition "Nothing in this initiative ordinance shall be construed to preclude, prohibit or limit the City from complying with any requirements under State Housing Law." Mr. Bell stated that is what staff was basing its conclusion on that the RHNA exemption was not inconsistent with Measure A.

It was moved by Commissioner Johnson and seconded by Chair Manne that the Planning Commission recommend City Council adopt the Housing Element Negative Declaration and the 2009-2014 Housing Element. Vice Chair Ransom asked to make an amendment to the motion in regards to Program 17, to amend the language to say "Should the demand for residential building permits exceed Measure A limits in the calendar year, the City should issue building permits specific to the impacted RHNA categories until the City's obligation..." Mr. Bell suggested a sentence be added that read "Under no circumstances would the number of permits for the RHNA exemption exceed the number of units within each RHNA income category." Commissioner Manne accepted the suggested amended language into the motion. Voice vote found Commissioner Johnson, Vice Chair Ransom, and Chair Manne in favor; Commissioner Alexander and Commissioner Mitracos opposed; passed 3-2-0-0.

3. ITEMS FROM THE AUDIENCE – None

4. DIRECTOR'S REPORT

Mr. Dean thanked the Commission for the discussion on the Housing Element.

Mr. Dean thanked Commissioner Alexander for his service on the Planning Commission, and asked for a round of applause in his honor. Mr. Dean presented Commissioner Alexander with a Certificate of Appreciation.

5. ITEMS FROM THE COMMISSION

Chair Manne thanked Commissioner Alexander for his time serving on the Commission.

Commissioner Alexander thanked the Commission members and stated it had been an honor to serve on the Commission.

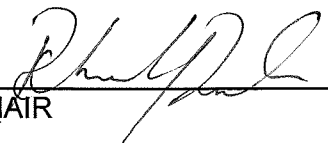
Vice Chair Ransom thanked Commissioner Alexander. Commissioner Mitracos wished him well.

Chair Manne asked if the new Commissioner would serve at the next meeting. Mr. Dean answered yes.

6. ADJOURNMENT

It was moved by Commissioner Mitracos and seconded by Commissioner Ransom to adjourn.

Time: 9:19 p.m.

  
\_\_\_\_\_  
CHAIR

  
\_\_\_\_\_  
STAFF LIAISON