

**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION MEETING  
March 16, 2010**

The regular session of the Auburn City Planning Commission was called to order on March 16, 2010 at 6:00 p.m. by Chairman Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Snyder, Worthington, Vitas, Young, Spokely

**COMMISSIONERS ABSENT:** None

**STAFF PRESENT:** Will Wong, Community Development Director  
Reg Murray, Senior Planner  
Lance E. Lowe, AICP, Associate Planner  
Joseph Scarbrough, Assistant Planner Intern

**I. CALL TO ORDER**

**II. PLEDGE OF ALLIGIENCE**

**III. APPROVAL OF MINUTES**

The minutes of September 1, 2009; November 3, 2009 and February 2, 2010 were approved as submitted.

**IV. PUBLIC COMMENT**

None

**V. PUBLIC HEARING ITEMS**

- A. VARIANCE – 205 FAIRGATE STREET (FAIRGATE PARKING LOT) – FILE VA 09-2.** The applicant requests approval of a Variance to establish an unimproved parking lot at 205 Fairgate Street.

Planner Scarbrough presented the Variance proposal for a temporary parking lot not constructed to City Standards. Based upon the infrequent use and the type of use requested, staff recommends approval of the temporary unimproved parking lot as conditioned.

Commissioner Snyder asked how this temporary parking lot would be monitored.

Planner Scarbrough replied that a day use business license would have to be approved for each event.

Commissioner Worthington asked how many days in advance the applicant would have to apply for the permit?

Planner Scarbrough replied that no specific timeframe is required; however, the applicant should submit the application in a timely manner to allow for review.

Director Wong noted that the responsibility is on the applicant to submit the application in a timely manner. If the application is not submitted in a timely manner, then the applicant will not be able to conduct business for the event.

Commissioner Worthington asked about the legal access on Fairgate Street.

Planner Scarbrough replied that according to the information submitted by the applicant, a non-exclusive easement exists on Fairgate Street. Easements are a private issue between private parties.

Commissioner Snyder asked how much a day use permit costs?

Planner Scarbrough replied that day use permits are \$22.00 per day.

Commissioner Snyder asked if the cost of the day use permit covers staff time?

Director Wong replied that the costs should cover the administrative routing and minimal review of the day use business license.

Chairman Spokely asked about the Fairway right of way.

Planner Scarbrough replied that a portion is public right of way and a portion is owned by the State and referred to Exhibit B of the Staff Report.

Commissioner Young asked about the \$22 day use permit. What else is required of the City to allow a temporary parking lot? Is liability insurance required?

Director Wong replied that the only requirement of the City would be the issuance of a business license. Liability insurance would be a private matter.

Commissioner Young asked about the access through the property adjacent to the 7-eleven.

Director Wong replied that access on Fairgate Street is adequate. Public Works, Fire and Police are fine with the access as proposed. There is no safety reason to direct the applicant to the other access through 7-eleven.

Chairman Spokely asked for clarification about the Variance request. The Variance would allow the applicant to use this property as a temporary parking lot not built to City Standards. The Staff Report also mentioned another parking lot not built to City standards, correct?

Planner Scarbrough replied that the Tevis Cup Use Permit was approved for a temporary parking lot, not constructed to City standards.

Chairman Spokely noted that the Conditions of Approval gave the City the ability to revoke the permit should violations, including NPDES permit requirements be violated.

Chairman Spokely noted that about half of the lot is paved and half is grass.

Chairman Spokely also inquired about the insurance requirements. Is there any insurance requirement associated with the business license?

Director Wong reiterated that the City does not get involved with private property insurance requirements.

Commissioner Vitas asked what if someone gets hurt on the property?

Director Wong replied that it is a private property liability issue.

Commissioner Snyder asked about the potential for mud being dragged onto City streets during winter events.

Director Wong replied that Mr. Tucciarone utilized the parking lot last year and staff followed up with Police, Fire, and Public Works staff and no issues have been raised as a result of this temporary use.

Commissioner Snyder asked what control does the City have should an event happen to occur on a rainy day? How would the City control the potential mud problems once the parking lot is utilized? That is the reason why public parking lots are required to be paved, is it not?

Director Wong replied that each event would be approved by the day use permit. If there were any weather concerns, staff could shut the business down if mud became an issue on any particular day.

Commissioner Worthington noted that the City could use perimeter controls to prevent any such occurrences.

Commissioner Snyder replied that once the mud problem occurs, there would be no way to remedy the problem as cars would be already parked on the property.

Commissioner Snyder asked about maintenance of the private roadway on Fairgate.

Director Wong replied that maintenance of the private roadway is a private matter and the City does not get involved in private maintenance issues.

Commissioner Snyder replied that if we give them a permit to utilize the parking lot are we not authorizing additional vehicles to utilize this private road?

Director Wong replied that Fairgate is an existing street and the applicant has an easement to utilize the road for his property. The City does not get involved with existing private streets.

Commission Vitas asked about the traffic flow and if there is an accident, what liability does the City incur if the project is approved?

Director Wong replied that the City has consulted with the Public Works and Police Departments and each of the departments have no concerns relating to access.

Chairman Spokely asked about NPDES compliance and if violations occur what liability does the City have in approving the parking lot without improvements?

Director Wong replied that Public Works contemplated whether or not gravel should be placed on the property; however, it was the opinion of the Public Works Department that the existing condition would be a better solution than providing gravel. The draft conditions of approval do allow the Public Works Department to have gravel installed should dirt and debris be dragged onto the public right of way.

Commission Snyder relayed that the lower parking area of the Fairgrounds has an area that is not paved which is used for pedestrians only and during heavy rain events it gets a little muddy. This temporary parking lot would be much worse with cars coming to and fro during rainy days.

Commission Young asked what is temporary? Is temporary defined?

Director Wong replied that temporary is the number of events during a year and not the number of years in existence. It is staff's hope that this property will develop in the near future as the commercial market improves. Director Wong noted that the temporary parking lot is not the highest and best use of the property.

Director Wong also noted that the property is within the City's Redevelopment Area and the City's hopes are that the property develops commercially as the zoning provides.

Chairman Spokely opened the public hearing.

Joseph Tucciarone of 14670 McAvoy Road in Auburn introduced himself.

Mr. Tucciarone stated his purpose of establishing his temporary parking lot is to be a positive influence for residents instead of a negative one. I have owned this property for 20 years and am overwhelmed from the desire to park on my property. I have school busses and ARD personnel parking on my property from Fair events. I was told to put up barricades on my property and have received no help from the Fairgrounds in preventing fairgoers from parking on my property. For me to physically chase people from my property is ridiculous. People do not want to use my car wash in the future if I ask them to leave my property.

On those days when I am overwhelmed with traffic from the fairgrounds, I would like to utilize my property for overflow parking 6 to 12 events per year. Also, I will not be parking vehicles while it is raining or is muddy.

On those days that I am overwhelmed by traffic, I will be able to park vehicles and keep my car wash open and those people may use the car wash in the future. When I tell people they cannot park on the property they ask why? "It looks like a parking lot." Should I have to continually spend my time, money and effort to ask people not to park on my property?

My car wash is literally shut down with the traffic that comes to and from the fairgrounds. Approval of the temporary parking lot provides a necessary public service for residents in the Auburn Community. I get to raise a little revenue and give a little money to charity as a result.

Commission Vitas asked if Mr. Tucciarone would be willing to enter into a maintenance agreement with the fairgrounds.

Mr. Tucciarone said that he would be agreeable to discussions with the fairgrounds so long as maintenance responsibility recognized the limited use of this temporary parking lot of 6-12 times per year.

Commissioner Vitas asked if Mr. Tucciarone gave all his parking proceeds to charity?

Mr. Tucciarone replied that some proceeds have gone to the Meadow Vista Friendly Neighbors depending on how much money is generated during a particular event.

Commissioner Worthington noted that she uses the Fairgate Carwash approximately once a week. She noted that part of the problem is the lack of clear boundaries between private property and State property. If Mr. Tucciarone and the State Board were to work together on shared parking this could be a win-win situation for both parties.

Commission Young asked about the use as overflow parking. Is this overflow parking or is this use filtering off parking customers from the fairgrounds?

Mr. Tucciarone replied that he is a businessman and his property is being utilized as a temporary parking lot on certain events because there is a need for additional parking.

Commissioner Young asked Mr. Tucciarone to clarify that the lot can accommodate approximately 60-90 parking spaces.

Mr. Tucciarone replied that he parks cars on the other lots and leaves the carwash lot open until the other lots fill up. Then he closes the carwash because no one can get to the carwash.

Commissioner Young asked if Mr. Tucciarone thought of using the access through 7-eleven?

Mr. Tucciarone replied that on certain fair events, the number of cars converging on his property is amazing. Cars are coming from all directions to park. He is simply providing a necessary service to the community.

Commissioner Young noted that with proper signage the 7-eleven access could be used effectively.

Greg Hegwer, CEO of the Gold Country Fairgrounds introduced himself.

Mr. Hegwer asked about the access easement on Fairgate Street. The Fairground's Board wants to maintain the access to their fairgrounds on Fairgate Street.

Mr. Hegwer apologized about the impacts to Mr. Tucciarone business; however, the fairgrounds have been at this location for a number of years and used to own the Tucciarone property until 1966.

Mr. Hegwer noted that the fairgrounds are used for all the larger events in the community. The entrance splits into an ingress and egress and believes that circulation patterns with an additional entrance to Mr. Tucciarone's parking lot will provide further congestion.

Mr. Hegwer disagrees with staff that Public Works staff is available to monitor events at the fairgrounds. It is the fairgrounds personnel that handle parking control.

Mr. Hegwer questioned the safety of an unimproved parking lot, particularly with a lack of lighting.

Mr. Hegwer conceded that further upgrades to the parking, paving, lighting and fencing should take place at the fairgrounds, but acknowledged that public safety is of paramount importance to the Fair Board.

Mr. Hegwer is concerned about the liability of utilizing an unimproved parking lot for their fair events. Without a doubt, if someone is injured, the fairgrounds will be named in any lawsuit that may occur.

Mr. Hegwer also has concerns about pedestrian circulation into the fairgrounds as there is not pedestrian path into the fairgrounds.

Mr. Tucciarone charges \$1 dollar less than the fairgrounds and is taking money from the fairgrounds.

The events held at the fairgrounds generate approximately \$500,000 per year to the local economy. Vendors at the fairgrounds are the ones that advertise for the fairground events. The economic boost to the local economy is obvious. However, the fairgrounds is operating under a very tight budget. Approximately 90 percent of the revenue is generated by the fairgrounds and parking is a large component of those revenues. Organizations such as Buttons & Bows, Nights of Columbus, and Civil Air Patrol, have received approximately \$103,000 a year. These are non profit organizations that operate our parking facility to coordinate parking at certain events.

Mr. Hegwer also questioned the lack of accessible parking. The fairgrounds have 24 spaces on the top lot and another 15 spaces below that are required.

The Fairgrounds Board recommends, if approved, that access be provided through the 7-eleven parking lot.

The fairgrounds pays approximately \$45,000 to \$50,000 in workman's compensation for our volunteers and another \$30,000 in public liability insurance. The Fair Board is concerned about the liability that the fairgrounds would have should the Planning Commission approve this temporary parking lot.

Commission Young asked Mr. Hegwer about the \$103,000 dollars that are paid to non-profit groups for parking.

Mr. Hegwer replied that the fairgrounds raise approximately \$750,000 dollars for non profit organizations in the community and that estimate is from a study that was completed in 2003. The parking lot itself generates approximately \$103,000, but that is shared between the fairgrounds, vendors and non-profit groups.

Commissioner Young asked if the \$103,000 went to non profits this last year?

Mr. Hegwer replied that between 2006 through 2009 charities such as: Buttons and Bows received \$22,615; Civil Air Patrol received \$18,000; Knights of Columbus received \$50,000; Newcastle Business Association received \$7,500; and, Placer County SPCA received just under \$1,000 dollars for a total of \$103,000. Actually \$103,000 is a little higher because some of these revenues go back a few years.

Commissioner Young asked what the income loss would be if this temporary parking lot was to be approved?

Mr. Hegwer replied that he figures that each parking space turns over 3 times a day during larger events. Taking that figure into consideration, he estimates with up to 90 parking spaces at \$3.00 per parking spaces and turning over 3 times, the fairgrounds would lose approximately \$810 dollars ( $90 \times 3 = 270 \times 3 = \$810$ ) per day.

Commissioner Young asked what the difference is between this parking lot and the existing private parking lots on High Street that serve the fairgrounds?

Mr. Hegwer replied that the Lutheran Church has coordinated with the Fairgrounds Board to utilize their property for joint parking. For example, during the opening day fair parade, the Church uses their property as a staging area and then opens the lot for parking.

Commissioner Young asked if the fairgrounds received any money from that private parking lot?

Mr. Hegwer replied no, the fairgrounds receives no revenue from that parking lot.

Commissioner Young asked what is the difference between that parking lot and the parking lot being proposed?

Mr. Hegwer replied that the difference is the proximity to the fairgrounds. Those properties are not on the main access to the fairgrounds property which is in direct competition with the fairgrounds. That is, once people access Fairgate Street, their intention is to park on the fairgrounds property and this temporary parking lot will directly compete with the fairgrounds since these properties share the same access.

Also, those parking lots have existed for many years and the Fair Board has taken that into consideration. This is a new temporary parking lot that directly competes with the fairgrounds. The Fair Board is also concerned with the lack of improvements such as paving and lighting.

Commission Young asked if the State would be liable if patrons park on the adjoining parking lots because you advertise the events?

Mr. Hegwer replied that yes the state is liable if someone was to get hurt on the property.

Commissioner Vitas asked what the fairgrounds charges for parking?

Mr. Hegwer replied that the fair grounds charges \$4.00 to \$5.00 dollars depending on the event.

Commissioner Vitas asked if the accessible parking spaces are full?

Mr. Hegwer replied that the accessible parking spaces are full at each event.

Commissioner Vitas asked if there are times when the fairgrounds parking lot is full?

Mr. Hegwer replied that yes occasionally the fairgrounds parking lot is full. We would likely not oppose the proposed parking lot if it were truly overflow parking, but it is clearly not overflow parking.

Commissioner Vitas asked if there was a possibility of a joint parking venture between the fairgrounds and Mr. Tucciarone could be reached so that this parking lot could be used for overflow parking?

Mr. Hegwer replied that yes he would be open to all suggestions but would have to defer to his board on what agreements are considered.

Wes Burris of 267 Silver Bend Way introduced himself as a member of the Fairgrounds Board of Directors.

Mr. Burris asked what temporary was? Is temporary 1, 2, or 10 years?

Mr. Burris noted that the parking lot on High Street is a paved parking lot with lighting. The parking lot across the street has a cross walk that connects with the fairgrounds.

Mr. Tucciarone's property is not paved or lighted and does not have accessible parking or pedestrian paths.

Mr. Tucciarone has owned the property for 20 years and is a realtor who knew full well that the fairgrounds adjoined his property. However, I am sensitive to Mr. Tucciarone's problem with fairgoers parking on his property illegally. I have personally witnessed verbal confrontations with individuals when Mr. Tucciarone has asked them not to park on his property. I like Mr. Tucciarone and am a private property rights advocate. I am also a proponent of safety and believe that the unimproved parking lot is not safe.

Mr. Burris stated that as far as maintenance goes, I would like to have a maintenance agreement for the property. Once the maintenance agreement is in effect, even those that did not sign the maintenance agreement will be liable for the maintenance of the roadway.

Mr. Burris further noted that he is worried about the safety and liability of this use. The Police Department has required the Fair Board to have traffic control at the intersections of Fairgate and Auburn Folsom Road. If Mr. Tucciarone is allowed to have this parking lot, I would recommend that he be limited to have access from the 7-eleven access. A sign could be placed on the property so that the 7-eleven access be used. Also, a cross walk should be installed to delineate pedestrian access to the fair entrance.

Mr. Burris further relayed that with respect to the money aspect of his proposal, I have asked Mr. Tucciarone to attend one of our Board of Director's meeting and he has not wanted to discuss the issue with the Board.

Mr. Burris indicated that he made suggestions to put signs up. The Police Department will not enforce parking without signs being placed on the property. To put up signs on the property, it is not that expensive. If you consider the money that could be made with one-three day parking event which is estimated at over \$2,000 dollars taking into account 90 cars at \$3.00 per car and a turn over rate of 3 times. If the Planning Commission approves this parking lot, I recommend that access be limited through the 7-eleven parking lot.

Commissioner Worthington asked if it was the Mr. Burris's intent to only limit access on event days?

Mr. Burris replied that yes, but access should be restricted on other days as well to serve his car wash.

Commissioner Worthington asked if there had been any coordination between the Fair Board and Mr. Tucciarone?

Mr. Burris replied that no coordinated efforts have taken place in the past.

Mr. Burris replied that the Fair Board is not requesting that Mr. Tucciarone share the cost of the Police required traffic control nor is the Fair Board requesting him to share the cost of maintenance of the roadway, but if it becomes a temporary parking lot, we need better communication no matter what.

Don Anderson, Board Member of the Gold Country Fair introduced himself. As a follow up to Mr. Snyder's comments, the Planning Commission should be aware that the Rodeo gets rained out about half the time. If this temporary parking lot is

approved without paving, cars will undoubtedly drag mud and debris onto Fairgate Street which the state owns. Mud and debris also is dragged onto Sacramento Street and Auburn Folsom Road. If you recall the development on Nevada Street and Mount Vernon Streets, when mud and other debris was dragged onto the streets and the Department of Water Resources had to shut the project down for water quality violations.

Mr. Anderson asked why a CEQA hearing has not been completed for this project? A Negative Declaration or something should be required, particularly waiving accessible parking and waiving paving. Having been in construction with the Bureau of Reclamation, I am well aware of CEQA. I went to Don Robinson Paving and they recommended 3 inches of base rock which is approximately \$24,000.

Commissioner Vitas asked Mr. Anderson whether or not a substantial portion of the upper parking lot of the fairgrounds is unpaved?

Mr. Anderson replied that portions have some kind of gravel surface.

Mr. Hegwer also responded that the parking lot has a base and has chip and seal that is repaired a few times a year.

Commissioner Vitas asked about the water flows from the property. Does the property drain towards Fairgate Street?

Mr. Hegwer replied that there is a grade on the fairgrounds property that drains into a drainage inlet, but was unaware of the flows on Fairgate Street.

Mr. Anderson also added that the fairgrounds paid \$15,000; the City paid \$5,000 and the County contributed \$5,000 and Cal-Trans did the work for the parking lot paving.

Mr. Tucciarone thanked City staff for presenting his position very well. Secondly, Mr. Tucciarone replied that he did not receive any invitations to meet with the Fair Board. Also, the Fair Board estimates for monies collected by parking are also inaccurate.

Mr. Tucciarone also stated that he is not waiving people onto his property to park. Signage is placed at the entrance and people are parking voluntarily on the lot. Mr. Tucciarone noted that he charges \$1.00 less than the fairground parking lot.

Commissioner Snyder asked if Mr. Tucciarone if he was aware of the standard indemnification requirement of the City?

Mr. Tucciarone read the condition and replied that he believed that it was a standard condition.

Chairman Spokely replied that the Condition of Approval is standard condition but it clearly puts liability with the applicant.

Commissioner Vitas asked what Mr. Tucciarone thoughts were in working with the Fair Board?

Mr. Tucciarone replied that he was a little unclear as to what bargaining position he would have with the Fair Board?

Commissioner Vitas noted that the fairgrounds Board of Directors and Mr. Tucciarone appear to be adversarial at this time and suggested that perhaps a mutual agreement could be reached to share costs and revenues for each of the parking lots.

Mr. Tucciarone replied that he personally takes care of the car wash and personally takes care of the temporary parking lot. My first priority is the car wash. Parking cars is a secondary business for me.

Mr. Tucciarone stated he is a little worried about the nighttime parking. I stay with the lot until most of the cars of gone. For example, the Home Show shuts down at 5:00 or 6:00 pm so that is not a problem. The Rodeo is during the winter, so in all likelihood, I will not try to park cars during that event.

Mr. Tucciarone stated he is willing to work with the Fairgrounds Board, but does not know what that entails.

Commissioner Worthington clarified that would entail planning ahead and notifying the Board of his events and donating some of the proceeds to the fairgrounds to cover the costs incurred for parking.

Mr. Tucciarone replied that the fairgrounds charge \$5.00 per car and gives \$1.00 for each car to the nonprofits who work the parking lot.

Commissioner Young asked Mr. Tucciarone what service to the community he is providing?

Mr. Tucciarone replied that with approval of his temporary parking lot, he would not be chasing people from his property.

Commissioner Vitas asked if any portion of the property is lighted?

Mr. Tucciarone replied that the car wash portion of the property is well lit and the light spills onto other portions of his property.

Mr. Tucciarone also replied that he is responsible for people on his property and he worries about their safety.

Mr. Tucciarone replied that many of the fair events are summer time events and many do not go into the night with the exception of the fair.

Chairman Spokely closed the public hearing.

Commissioner Young asked staff about the CEQA determination made.

Director Wong noted that staff determined that the project qualifies for a Categorical Exemption pursuant to CEQA.

Commissioner Young asked whether either of the parties ever considered an agreement?

Director Wong replied that he is not aware of any private agreement.

Commissioner Snyder asked what is the liability of the City if someone was hurt on the temporary parking lot?

Commissioner Vitas replied that the deep pockets and small pockets would be sued alike. Of course the deep pockets would have to incur the costs of any suit.

Chairman Spokely is concerned about the safety, lighting, accessible routes and uneven terrain that will occur over time. By the City approving a substandard parking lot, I believe it is an issue for the City.

Commissioner Snyder noted that he reviewed the findings for approval of the Variance and concluded that it is his opinion that the project does not meet the findings necessary for approval. Specifically, Commissioner Snyder noted that he believes that the project is inconsistent with the limitations upon other properties in the vicinity and district in which the property is situated.

Commissioner Snyder **MOVED** to deny the Variance as presented.

Commissioner Vitas **SECONDED** the motion.

AYES:	Snyder, Worthington, Vitas, Young, Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	None

The Variance was **DENIED**.

Chairman Spokely called for a brief recess.

The Planning Commission meeting reconvened at 7:30 pm and excluded Commissioner Worthington

- B. USE PERMIT – 555 WALL STREET (AUBURN 76 AUTO CENTER) – FILE UP 10-3.** The applicant requests approval of a Use Permit to allow an existing building to be used as a stand-alone auto service business. The business is located within the Regional Commercial (C-3) zone district.

Planner Scarbrough discussed the history of the property and its use and presented the Use Permit proposal to allow an existing building to be used as a stand-alone auto service business within the Regional Commercial (C-3) Zone.

Planner Scarbrough noted that the site and building improvements have been designed for the intended use. With the exception of a few conditions which have yet to be met, the facility is ready for occupancy.

Commissioner Snyder asked if this is just a routine approval for a Use Permit?

Planner Scarbrough clarified that the Use Permit requirement is due to the conditions of approval not being met prior to the Use Permit expiring in 2009.

Chairman Spokely opened the public hearing.

David Brown of 12645 Chatom Lane introduced himself and his business Auto 76 Auto Center.

Mr. Brown noted that he is the business owner and was representing the property owner. Mr. Brown agreed to the conditions of approval for the project. Mr. Brown also noted that he has been in business since 1978.

Chairman Spokely asked Mr. Brown if he intended to occupy the entire space?

Mr. Brown indicated that he will only be occupying half of the building.

Chairman Spokely asked about Condition of Approval No 11 that requires a reciprocal access easement and whether or not the applicant had any issue with that condition?

Mr. Brown replied that Mr. Alereza owns both of the properties and that condition is achievable.

Chairman Spokely closed the public hearing.

Commissioner Vitas **MOVED** to approve the Use Permit.

Commissioner Worthington joined the meeting.

Commissioner Snyder **SECONDED** the motion

AYES: Snyder, Vitas, Young, Spokely  
NOES: None  
ABSTAIN: Worthington  
ABSENT: None

The Use Permit was **APPROVED**.

- C. **INTERPRETATION – OUT CALL MASSAGE SERVICES.** The Planning Commission is asked to consider whether out call massage services should be permitted in the City.

Planner Murray presented the proposal, which is an interpretation regarding whether or not out call massage services should be permitted in the City. Planner Murray discussed the proposal and staff's recommendation.

Commissioner Snyder noted that his father receives massages and that they are very helpful with his circulation. Commissioner Snyder noted that in seeking out this type of service, he found that outcall massage services are very limited in the community perhaps due to the restrictions imposed. Commissioner Snyder also noted that these businesses are very legitimate and very beneficial to the community.

Commissioner Snyder questions whether or not the prescription and / or relating to hospice or hospital care requirements are too restrictive?

Planner Murray replied that staff has imposed these additional conditions as a safeguard to prevent inappropriate activity from occurring, but noted that Massage Technicians are required to go through an additional screening process such as fingerprinting and background checks in addition to the standard business license requirements.

Planner Murray noted that he reviewed other agencies ordinances such as Roseville, Rocklin, etc. and the interpretation is consistent with their ordinances.

Commissioner Snyder stated that he is supportive of this interpretation, even without the prescription and hospice / hospital requirements.

Director Wong noted that the Police Department did not have any issues with the interpretation as presented.

Chairman Spokely liked the additional requirements imposed on outcall massage technicians and believed it necessary to impose the additional requirements.

Commissioner Vital **MOVED** to find that out call massage services (i.e. in-home services) should be permitted for patients when prescribed by a doctor or when the service is provided by massage technicians who are working for, or are associated with, a hospital or hospice.

Commissioner Snyder **SECONDED** the motion.

AYES: Snyder, Vitas, Young, Spokely  
NOES: Worthington  
ABSTAIN: None  
ABSENT: None

The interpretation was **APPROVED**.

- D. VARIANCE – 1855 VISTA DEL LAGO (BRUNO PATIO COVER) – FILE VA 10-1.** The applicant requests approval of a Variance to construct an attached rear yard trellis patio cover that would exceed the 35% building lot coverage requirement in the Single Family Residential (R-1) District.

Planner Lowe presented the Lot Coverage Variance to construct an attached rear yard trellis patio cover that would exceed the 35% building lot coverage requirement in the Single Family Residential (R-1) District.

Commissioner Vitas asked if the project was noticed and if there were any comments?

Planner Lowe replied that all properties within a 500 foot radius were noticed and no comments have been received on the proposal.

Chairman Spokely asked how lot coverage was calculated? Chairman Spokely noted that the home to the south was almost completely covered with buildings, a pool and hardscape.

Planner Lowe replied that lot coverage only applies to structures regardless whether or not the structure is attached or detached.

Director Wong noted that in the zoning ordinance update, staff would like to have administrative authority to approve these types of projects.

Commissioner Snyder noted that the 35% lot coverage is standard; however, when did the interpretation of including an open trellis be included in the lot coverage calculations?

Director Wong noted that you could cover this trellis at any time and that is why it is included in the lot coverage calculations.

Commissioner Snyder noted that staff should have authority to approve a trellis provided setbacks have been met.

Director Wong replied that staff looked for a way to approve this trellis, but the existing code did not allow staff's approval.

Chairman Spokely opened the public hearing.

Tony McDonald, Manager of Pacific Builders noted that Pacific Builders have been in business for 62 years.

Mr. McDonald answered questions from the commission.

Commissioner Snyder **MOVED** to approve the Variance and directed staff to implement regulations that would give staff authority to approved similar requests.

Commissioner Vitas **SECONDED** the motion.

AYES:	Snyder, Worthington, Vitas, Young, Spokely
NOES:	None
ABSTAIN:	None
ABSENT:	None

The motion was **APPROVED**

## VI. COMMISSION BUSINESS

- A. Discussion of Planning Commission priorities list
- B. Housing Element Implementation
- C. Updated General Plan implementation work plan and checklist
- D. Auburn Land Use Plans and Implementation with SACOG *Blueprint* comparison

Planner Murray presented the Planning Commission priorities list; Housing Element Implement; Updated General Plan; and SACOG Blueprint implementation.

Chairman Spokely asked with the budget cuts and resulting staff reductions, have any of the items been completed?

Planner Murray replied that none of the items have been crossed off the list, but staff is continuing to work on the items.

Director Wong noted that with staff reductions, the department has reorganized a few times and that staff is continuing to work on the lists. A lot of these items are moving forward in one manner or another; however, due to staff reductions, planning staff is assisting other departments. For example, the Massage Technician interpretation is on behalf of the Finance Department. Staff is also working on a False Alarm Ordinance on behalf of the Police Department. Parking Enforcement is also another issue that has come up and may have to be handled by existing staff.

Chairman Spokely is pleased that the first phase of the Streetscape project has been completed and the courthouse parking lot on Auburn Folsom Road has been upgraded

and is lit up, but questioned the lighting fixtures in the parking lot compared to the Streetscape project.

Director Wong replied that the fixtures should match the Streetscape or something in Old Town.

Chairman Spokely requested that the priorities list be tabled to the next meeting.

Planner Murray noted that the Planning Commission priorities could be tabled. The remaining items are informational items only and should be presented to the Council.

Planner Murray discussed the Housing Element report; General Plan implementation; and SACOG Blueprint implementation.

Chairman Spokely noted that due to the downturn in the economy, the affordable housing requirements are now about the same price as market rate homes.

Director Wong noted that the City does not have inclusionary housing and that with the Development Agreement, the proponent of the Baltimore Ravine Specific Plan has committed to building affordable housing. This is not a requirement of the City unless the Council adopts an Inclusionary Housing Ordinance.

Director Wong noted that SACOG will be discussing the City's Streetscape as a good example of the Blueprint goals and objectives.

Commissioner Worthington agreed that the Streetscape project is a good example of SACOG's Blueprint.

## **VII. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

### **A. City Council Meetings**

Director Wong noted that the Baltimore Ravine Specific Plan site visit will be held on Friday, March 26 at 1:00 pm.

### **B. Future Planning Commission Meetings**

None

### **C. Reports**

None

## **VIII. PLANNING COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

**IX. FUTURE PLANNING COMMISSION AGENDA ITEMS**

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

**X. ADJOURNMENT**

The meeting adjourned at 8:35 p.m.

Respectfully submitted,

Lance E. Lowe