

Planning Commission  
Regular Meeting  
March 13, 2012  
Martinez, CA

**CALL TO ORDER**

The meeting was called to order at 7:02 p.m. by Chair with all members present.

**ROLL CALL**

PRESENT: Harriett Burt, Commissioner, Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner, Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner, and Donna Allen, Commissioner.  
EXCUSED: Jim Blair.  
ABSENT: None.

Staff present included contract planner Dina Tasini and Associate Planner Anjana Mepani.

**AGENDA CHANGES - None.**

**PUBLIC COMMENT**

Mike Alford discussed the power of council members to change actions taken by the Planning Commission. He commented on the need for honesty in public service.

**CONSENT ITEMS**

1. *Minutes of December 13, 2011, meeting.*

December 13, 2011, minutes

On motion by Donna Allen, Commissioner, seconded by Kimberley Glover, Commissioner, to approve the Minutes of December 13, 2011, meeting. Motion unanimously passed 4 - 0. Yes: Harriett Burt, Commissioner Sigrid Waggener, Commissioner Kimberley Glover, Commissioner, Donna Allen, Commissioner, Abstain: Rachael Ford, Commissioner, Jeffrey Keller, Commissioner, Paul Kelly, Commissioner.

**REGULAR ITEMS**

2. *Citywide - Planning Commission hearing to determine applicable zoning classifications, for Lice Removal Salon business, which the Zoning Code does not specifically define.*

Staff Report

Contract Planner Dina Tasini presented the staff report, discussing how other jurisdictions handle similar businesses. There was also a 10 minute video explaining the process for treating/removing lice.

Ms. Tasini discussed the information presented on the video and told the Planning Commission the actions they could take related to the item.

Commissioner Glover asked, and Ms. Tasini confirmed that the Hair Lice Removal Salon in Montclair is next door to a Round Table Pizza. When the City of Oakland was contacted to ask about issues or problems, they have never received a complaint.

Commissioner Waggener asked what happens to the towels after they are used. Ms. Tasini explained that one of the other lice removal salons has a washer/dryer, the others place towels in a closed container or sealed plastic bags and wash and dry them at home or at a Laundromat.

Commissioner Burt commented that this is the first time she has heard of this type of business.

The Commission discussed with staff how long other existing shops had been operating, existing uses, whether the products used were toxic, and whether an existing beauty shop could add lice removal to the permit. Staff said no, and the Commission discussed the pros and cons of such a business, the steps taken to prevent cross-contamination.

Chair Ford opened the public hearing.

ELLEN HEATHCOAT said she didn't think this was an appropriate location for such a business; it does not fit in such a quaint block on Main St.

MIKE ALFORD said this is a unique service, and it will bring revenue to the City. He asked about flea & tick removal service which is located around the corner from Starbucks. He thought it would provide a valuable, needed service.

BARBARA KAPSALIS said it would be a viable service, but she didn't think it belongs on Main St. She would rather see a yogurt shop or something like that.

Seeing no further speakers, Chair Ford closed the public hearing.

Commissioner Kelly asked in what zoning classification pet grooming falls. Staff stated that there is no pet grooming classification. Staff discussed difficulty in finding the best category for different uses, without creating a new one each time. Staff further stated that the Municipal Code does not have a long and or varied list of uses and so staff does evaluate many uses and determine the appropriate zoning districts.

Commissioner Allen said she wasn't opposed to the use per se, but she did not think beauty salon/barber was the best fit. She asked about tattoo parlors or piercing businesses. Staff confirmed they were conditional uses.

Commissioner Allen asked what a category like "Personal Services" might include. Staff discussed day spas, nail salons and similar uses.

Commissioner Burt suggested allowing the Lice Salon as a conditional use. Staff acknowledged that could be done, if the Commission desired, and staff could bring back applicable conditions for consideration.

Chair Ford expressed concern about the City being too restrictive about telling businesses how to operate. Commissioner Burt said by suggesting a conditional use, she was hoping to find a solution and make it possible by having a safety valve if the issue is that it doesn't fit or conform to beauty salons and barber shops, etc. She thought it was a service that could work and might be helpful.

Commissioner Waggener asked about the process of creating a new category, ordinance, definition. Ms. Tasini said it would take at least 3 months, and the business would have to wait until the hearing processes are completed.

Chair Ford asked how other jurisdictions were placing the use, and staff reviewed the varied ways of handling it - either through a "personal services" category in some, and others were allowing it in all commercial districts. The Commission discussed the possibilities at length.

On motion by Sigrid Waggener, Commissioner, seconded by Paul Kelly, Commissioner, to approve creation of a new category, Personal Services, including Lice Removal Salon businesses, for the Zoning Code which requires a Draft Ordinance and definition be brought before the Planning Commission and City Council. Motion failed 2 - 5. Yes: Paul Kelly, Commissioner, Sigrid Waggener, Commissioner, No: Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Kimberley Glover, Commissioner, Donna Allen, Commissioner, Absent: Jim Blair, Commissioner (Alternate).

On motion by Jeffrey Keller, Commissioner, seconded by Kimberley Glover, Commissioner, to determine that inclusion of Lice Removal Salons is within the classification for and are similar to Beauty and Barber shops and therefore permitted within Commercial Zoning Districts (NC, CC, SC). And Made a recommendation that Staff looks into adding Personal Services to the Commercial Zoning District. Motion passed 6 - 1. Yes: Harriett Burt, Commissioner Rachael Ford, Commissioner Jeffrey Keller, Commissioner Paul Kelly, Commissioner Sigrid Waggener, Commissioner, Kimberley Glover, Commissioner, No: Donna Allen, Commissioner, Absent: Jim Blair, Commissioner (Alternate).

Chair Ford and Staff reviewed the process for appealing to the City Council, within the next ten days.

Commissioner Burt noted that some neighboring businesses were not opposed to the concept of the Lice Removal Salon and urged those opposed to reconsider. Commissioner Allen agreed - she clarified she was not opposed to the use itself, simply to the finding that it is similar to beauty salons and barber shops.

## **COMMISSION ITEMS**

The Commission discussed potential items that could be upcoming.

**STAFF ITEMS - None.**

**COMMUNICATIONS**

Chair Ford adjourned the meeting at 8:15 p.m. to the next regularly scheduled meeting, April 24, 2012.

Respectfully Submitted,

Approved by the Planning Commission  
Chairperson

Transcribed by Mary Hougey

Rachael Ford