

**MINUTES
PLANNING COMMISSION
MEETING OF APRIL 12, 2018**

Council Chamber - City Hall, 425 N. El Dorado Street, Stockton, CA

1. CALL TO ORDER/ROLL CALL - 5:32 PM

Roll Call

Present:

Don M. Aguillard
D'Adrea Davie
Sol Jobrack
Anne Mallet
Elizabeth Mowry Hull
Waqar Rizvi
Kimberly A. Warmsley

2. PLEDGE TO FLAG

The Pledge of Allegiance was by Commissioner Mallet

3. ADOPTION OF CONSENT CALENDAR

Approve the Consent Calendar with a single vote.

Moved by: D'Adrea Davie, seconded by Kimberly A. Warmsley.

Vote: Motion carried 7-0

Yes: Don M. Aguillard, D'Adrea Davie, Sol Jobrack, Anne Mallet, Elizabeth Mowry Hull, Waqar Rizvi, and Kimberly A. Warmsley.

3.1 18-4450 APPROVAL OF PLANNING COMMISSION MINUTES

Motion 2018-04-12 approving the minutes of the February 8, 2018, February 22, 2018, and March 8, 2018, Planning Commission meetings.

Legislation Text

Attachment A - 2018-02-08 Planning Commission Minutes

Attachment B - 2018-02-22 Planning Commission Minutes

Attachment C - 2018-03-08 Planning Commission Minutes

4. PUBLIC COMMENT

None

5. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS

5.1 18-4414 USE PERMIT TO UPGRADE FROM THE OFF-SALE BEER AND WINE TO OFF-SALE OF GENERAL ALCOHOLIC BEVERAGES IN AN EXISTING MINI MART LOCATED AT 1255 BUENA VISTA AVENUE (P17-0695)

Legislation Text

Attachment A - UP064-76

Attachment B - Finding of Public Convenience

Attachment C - Location Map and Aerial Photo

Attachment D - Floorplan

Attachment E - Liquor License Locations

Attachment F - Letter of Opposition SUSD

Proposed Resolution - Recommending Approval

PowerPoint presentation - Use Permit for 1255 Buena Vista

Document filed by Mary Elizabeth - Memorandum of Opposition

Commissioner Disclosures

Commissioner Mowry Hull - recused from voting on Agenda Item 5.1 and removed herself from chambers during the public hearing after disclosing a conflict relating to her family owning a rental property across from the business

NOTE: Commissioner Mowry Hull left the meeting at 5:37 PM

Commissioner Davie - drove by the site

Chair Aguillard - rents property nearby; no financial interest therefore will not recuse

Kanoa Kelley, Assistant Planner, Community Development Department - noted outside communication received from Mary Elizabeth (document filed); letter of opposition received from Stockton Unified School District (SUSD) included in staff report

Approve **Motion 2018-04-12-0501** waiving the requirement under Section 9(E) of the Planning Commission Standards and Policies No. 1 that communications received outside the agenda packet be read into the record

Moved by: Sol Jobrack, seconded by Kimberly A. Warmsley.

Vote: Motion carried 6-0

Yes: Don M. Aguillard, D'Adrea Davie, Sol Jobrack, Anne Mallet, Waqar Rizvi, and Kimberly A. Warmsley.

Recuse: Elizabeth Mowry Hull.

Joe Rishwain, Attorney, representing applicant - spoke to application process; noted one exception to conditions

The following people spoke in support of the item: David Bohacek; Jeffrey Perez; David Slaughter

The following people spoke in opposition: Julie Cox; Linda Osmanski; Paul Singh; Bill Loyko; Michelle Spragg, Facilities Manager, Stockton Unified School District (SUSD); Katya Evanhoe; Florence Berg; Mary Elizabeth

Joe Rishwain, Attorney, representing applicant - provided rebuttal

Motion to disapprove a Use Permit to upgrade from the off-sale beer and wine to off-sale of general alcoholic beverages in an existing mini-mart located at 1255 Buena Vista Avenue (P17-0695).

Moved by: D'Adrea Davie, seconded by Kimberly A. Warmesley.

Commissioner Davie - removed her motion

Approve **Resolution** for a Use Permit to upgrade from off-sale beer and wine to off-sale general alcohol in an existing mini-mart at the noted address, based on the findings and conditions of approval detailed in the proposed resolution including the provision of no hard alcohol sales under 375 milliliters.

Moved by: Sol Jobrack, seconded by Waqar Rizvi.

Vote: Motion failed 3-3

Yes: Sol Jobrack, Anne Mallet, and Waqar Rizvi.

No: Don M. Aguillard, D'Adrea Davie, and Kimberly A. Warmesley.

Recuse: Elizabeth Mowry Hull.

Approve **Motion 2018-04-12-0501** denying a Use Permit to upgrade from off-sale beer and wine to off-sale general alcohol in an existing mini-mart at the noted address, based on the findings and conditions of approval detailed in the proposed resolution.

Moved by: Kimberly A. Warmesley, seconded by D'Adrea Davie.

Vote: Motion carried 5-1

Yes: Don M. Aguillard, D'Adrea Davie, Sol Jobrack, Waqar Rizvi, and Kimberly A. Warmesley.

No: Anne Mallet.

Recuse: Elizabeth Mowry Hull.

6. NEW BUSINESS

6.1 18-4448 FISCAL YEAR 2018 - 2023 CAPITAL IMPROVEMENT PROGRAM - PLANNING COMMISSION DETERMINATION OF CONFORMITY TO THE 2035 GENERAL PLAN CONSISTENT WITH THE REQUIREMENTS OF CALIFORNIA GOVERNMENT CODE SECTION 65401

Legislation Text

Attachment A - DRAFT FY 2018-2023 Preliminary Capital Improvement Plan 1

Proposed Resolution - CIP GP Conformity 2018

Approved Resolution 2018-04-12-0601

PowerPoint presentation - Capital Improvement Program

NOTE: Commissioner Mowry Hull returned to the meeting at 6:42 PM

Approve **Resolution 2018-04-12-0601** forwarding a determination to the City Council that the 2018-2023 Capital Improvement Program (CIP) for Fiscal Years (FY) 2018/2019 through FY 2022/2023 conforms to the City of Stockton 2035 General Plan.

Moved by: Elizabeth Mowry Hull, seconded by Waqar Rizvi.

Vote: Motion carried 7-0

Yes: Don M. Aguillard, D'Adrea Davie, Sol Jobrack, Anne Mallet, Elizabeth Mowry Hull, Waqar Rizvi, and Kimberly A. Warmesley.

7. UNFINISHED BUSINESS

7.1 18-4398 SIX-MONTH REVIEW OF THE USE PERMIT FOR A LOUNGE WITH THE ON-SALE OF GENERAL ALCOHOLIC BEVERAGES AT 2333 PACIFIC AVENUE (P17-0431)

Legislation Text

Attachment A - Planning Commission Staff Report 8-10-17

Attachment B - Planning Commission Resolution 2017-08-10-0502

Attachment C - Notice of Noise Violation 1-31-18

Attachment D - Notice of Noise Violation 2-11-18

Attachment E - Notice of Noise Violation 2-14-18

Attachment F - Incident Report 2-22-18

Attachment G - Incident Report 3-21-18

Attachment H - CFS Statistics

Around the Bench Memo - Correspondence Requesting Continuance

Item continued to date certain of May 24, 2018.

8. REPORTS/COMMUNICATIONS/INFORMATIONAL ITEMS

David Stagnaro, Planning Manager, Community Development Department - gave an update on Stockton's 2040 General Plan to the Commission and answered questions

from Commissioners.

9. COMMISSIONERS COMMENTS

Commissioner Davie - attended League of California Cities Conference last week; addressed anticipated changes to Urban Design Guidelines

Commissioner Mowry Hull - spoke to Code Enforcement Standards and Procedures

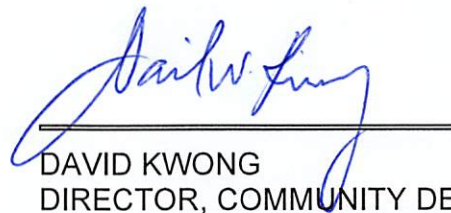
Commissioner Rizvi - shared experience attending the League of California Cities Conference; thanked staff for the opportunity

Commissioner Warmesley - attended League of California Cities Conference; integrating youth in city planning

Chair Aguillard - thanked staff for their work; found League of California Cities Conference very helpful

Commissioner Mallet - League of California Cities Conference was worthwhile and informative

10. ADJOURNMENT - 7:08 PM



DAVID KWONG
DIRECTOR, COMMUNITY DEVELOPMENT