

**MINUTES  
PLANNING COMMISSION  
MEETING OF MAY 24, 2018**

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425 N. El Dorado Street, Stockton CA

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**1. CALL TO ORDER/ROLL CALL - 5:31 PM**

Roll Call

Present:

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

**NOTE:** Commissioner Hull arrived to the meeting at 5:33 PM

**2. PLEDGE TO FLAG**

The Pledge of Allegiance was led by Vice Chair Warmasley

**3. ADOPTION OF CONSENT CALENDAR**

Approve the Consent Calendar with a single vote

**Moved by:** Anne Mallett, seconded by D'Adrea Davie.

**Vote:** Motion carried 6-0

**Yes:** Don M. Aguillard, D'Adrea Davie, Sol Jobrack, Anne Mallett, Waqar Rizvi, and Kimberly A. Warmasley.

**Absent:** Elizabeth Mowry Hull.

**3.1 18-4616 APPROVAL OF PLANNING COMMISSION MINUTES**

**Motion 2018-05-24-0301** approving the filing of minutes for the April 12, 2018, and April 26, 2018, Planning Commission meetings.

Legislation Text

Attachment A - 2018-04-12 Planning Commission Minutes

Attachment B - 2018-04-26 Planning Commission Minutes

**4. PUBLIC COMMENT**

None

**5. PUBLIC HEARINGS/ENVIRONMENTAL ASSESSMENTS**

**5.1 18-4534 REQUEST FOR A USE PERMIT TO ALLOW THE OFF-SALE OF BEER AND WINE IN AN EXISTING MINI-MART AT 6025 PACIFIC AVENUE (P17-0658)**

Legislation Text

Attachment A - Location Map and Aerial Photography

Attachment B - Site and Floor Plans

Attachment C - Census Tract 31.10 Liquor Licenses

Resolution - Recommend Approval

Approved Resolution 2018-05-24-0501

PowerPoint presentation - 6025 Pacific Avenue

Around the Bench Memo - Letter received from Mary Elizabeth on May 23, 2018

Commissioner Disclosures: None

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Additional Communications: Jenny Liaw, Senior Planner, Community Development Department - read letter into the record from Mary Elizabeth (document filed)

Lalita Kiran, applicant - spoke to opposition received; answered questions from Commissioners

Approve **Resolution 2018-05-24-0501** adopting a resolution approving a Use Permit to allow the off-sale beer and wine in an existing mini-mart (LK Mini-Mart) at 6025 Pacific Avenue, in accordance with the Findings for Decision detailed herein.

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

**Vote:** Motion carried 4-3

**Yes:** Sol Jobrack, Anne Mallett, Waqar Rizvi, and Kimberly A. Warmsley.

**No:** Don M. Aguillard, D'Adrea Davie, and Elizabeth Mowry Hull.

**5.2 18-4571 RECOMMENDATION TO COUNCIL FOR ADOPTION OF AN INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION AND APPROVAL OF GENERAL PLAN AMENDMENT, REZONING AND DESIGN REVIEW FOR THE DEVELOPMENT OF THE PROPOSED TUSCANY COVE ASSISTED LIVING AND MEMORY CARE FACILITY LOCATED ON THE NORTH SIDE OF SMITH CANAL AND WEST OF FONTANA AVENUE (17-0758)**

Legislation Text

Attachment A - Location Map and Aerial Photograph

Attachment B - 200-year Flood Protection Analysis

Attachment C - Site Plan

Attachment D - Community Outreach Meeting Notice

Resolution - Approval of Resolution

Exhibit 1 - Initial Study/Proposed Mitigated Negative Declaration

Exhibit 2 - General Plan Map

Exhibit 3 - Approval of Ordinance with legal description and map

Exhibit 4 - Site, Floor Plans and Building Elevations

Approved Resolution 2018-05-24-0502

PowerPoint presentation - Tuscany Cove Assisted Living and Memory Care Project

Commissioner Disclosures:

Commissioner Mallet - drove by the site

Additional Communications: None

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Tom Gotelli, applicant - spoke to project; answered questions from Commissioners

The following people spoke in opposition: Ben Frausto; Kelly Cuslidge

The following people spoke in support: Charlie Simpson, Baseline Environmental; Tony Marshall, MCR Engineering Inc.

**Approve Resolution 2018-05-24-0502:**

1. Adopting Initial Study/Proposed Mitigated Negative Declaration for the Tuscany Cove Assisted Living and Memory Care Project;
2. Approving a General Plan Amendment of the site from Low-Density Residential to High-Density Residential;
3. Approving Rezone of the subject site from RL, Residential, Low-Density to RH, Residential, High-Density; and
4. Approving the Design Review for the project to ensure compliance with all applicable provisions of the Citywide Design Review Guidelines.
5. Approving the noted applications will allow the development of an assisted living and memory care facility on the north side of Smith Canal and west of Fontana Avenue, in accordance with the findings of fact detailed herein, including an additional condition that the alternate entrance be used by employees and for deliveries to mitigate traffic increase concerns brought by Commissioners.

**Moved by:** Waqar Rizvi, seconded by Kimberly A. Warmesley.

**Vote:** Motion carried 7-0

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

**NOTE:** Meeting went into recess at 6:35 PM

**NOTE:** Meeting reconvened at 6:42 PM

**6. NEW BUSINESS**

None

**7. UNFINISHED BUSINESS**

**7.1 18-4550 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 Violaton 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

PowerPoint presentation - Six Month Review of Use Permit

Around the Bench Memo - Correspondence received from the Miracle Mile Improvement District

Around the Bench Memo - Correspondence received regarding agenda item 7.1

Additional Communications: multiple communications received in support and in opposition (documents filed)

Approve **Motion 2018-05-24-0701** 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:** Kimberly A. Warmesley, seconded by Sol Jobrack.

**Vote:** Motion carried 7-0

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

Commissioner Disclosures:

Commissioner Jobrack - spoke with owner

Chair Aguillard - spoke with owner

Commissioner Davie - spoke with owner; been to site

Commissioner Mallet - spoke with owner prior to item coming before Planning Commission

Commissioner Warmesley - spoke with owner; been to site

Kevin Hernandez, Owner, The Ave - addressed use permit review; read letter received in support (document filed); answered questions from Commissioners

Document filed by Kevin Hernandez - Stockton Planning Commission Letter

The following people spoke in support - Jason Laurenti, Management Team, The Ave (document filed); Shannon Akhbari, Event Planner; Nailah Walker, Event Planner; Wayne Hernandez

Document filed by Jason Laurenti - Vibe Contract

Approve **Motion 2018-05-24-0701** proceeding with the one (1) year review; staff to add public notice to 1 year review

**Moved by:** Elizabeth Mowry Hull, seconded by D'Adrea Davie.

**Vote:** Motion carried 7-0

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


**8. REPORTS/COMMUNICATIONS/INFORMATIONAL ITEMS**

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

**9. COMMISSIONERS COMMENTS**

None

**10. ADJOURNMENT - 8:14 PM**

  
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DAVID W. KWONG  
DIRECTOR, COMMUNITY  
DEVELOPMENT