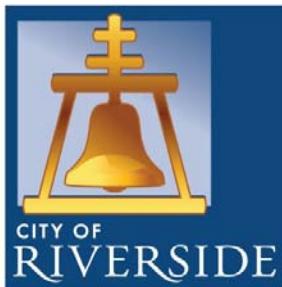


# **CITY PLANNING COMMISSION MINUTES**

THURSDAY, APRIL 18, 2019, 9:00 A.M.  
ART PICK COUNCIL CHAMBER, CITY HALL  
3900 MAIN STREET

## *City of Arts & Innovation*



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## **CITY PLANNING COMMISSION MINUTES**

THURSDAY, APRIL 18, 2019, 9:00 A.M.  
ART PICK COUNCIL CHAMBER, CITY HALL  
3900 MAIN STREET

### **PLANNING COMMISSIONERS**

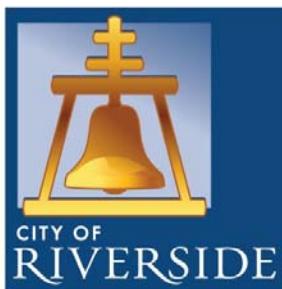
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foot convenience store with off-sale of beer and wine (Type 20 Alcohol License), and a 1,518-square-foot automated vehicle wash facility; 4) a Conditional Use Permit to permit a 3,800-square-foot drive-thru restaurant; and 5) Design Review of project plans. Matthew Taylor, Associate Planner, presented the staff report. Since the publication of the report, staff received five letters in opposition and one letter in support of the proposed project. The letters in opposition cite potential impacts to the wildlife corridor from lighting, noise and traffic associated with the project operations; increased traffic congestion in the immediate area; impacts to nearby residences from project lighting, and inadequate frontage conditions for the drive-thru restaurant; toxic contamination from underground storage tanks and an inconsistency with voter approved measures Prop R and Measure C. The letter in support cites increased economic activity, jobs and convenience for residents and travelers in the area. Comments from the audience: Kevin Akin, Margie Akin, Eddy Jara, Anthony Wilkins, Dori McCall, Jason Hawkins, Roy Harris, Jamie Grunkmeyer, Gary Lupo, Jon Tenorio spoke in opposition and expressed their concerns regarding: traffic congestion, quality of life, impacts to the wildlife corridor, requested additional time for applicant to review the project with neighboring residents, intrusion of headlights from drive-thru, privacy issues, use of white light instead of yellow lighting, issues of students and alcohol, interpretation of the Code regarding drive-thrus and arterial streets and access to the project. Following discussion the Planning Commission recommended that the City Council: 1) Determine that the proposed project will not have a significant effect on the environment based on the findings set forth in the case record and adopt a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) Guidelines; and 2) Recommend adoption of the mitigation monitoring or reporting program pursuant to CEQA Section 21081.6; and 3) Approve Planning Cases: P18-0028 (Zoning Code Map Amendment), P18-0034 (Tentative Parcel Map), P18-0031 (Conditional Use Permit – Vehicle Fuel Station with Off-Sale of Beer and Wine/Vehicle Wash Facility), P18-0032 (Conditional Use Permit – Drive-Thru Restaurant), and P18-0033 (Design Review), based on the findings in the staff report and subject to the recommended conditions, with the addition of extending the screen wall to the south end of Central Avenue.

Motion Failed.  
Conditional Use Permits require a two thirds majority.

Motion					X			
Second						X		
Ayes		X	X	X			X	
Noes	X	X					X	X



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### PLANNING COMMISSIONERS

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#### RECESS

The Planning Commission recessed and reconvened at 10:36 a.m. in the Art Pick Council Chamber with Chair Rossouw presiding.

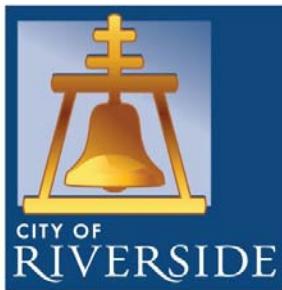
**PLANNING CASE P18-0572** – Modification of Conditional Use Permit P16-0251 (Modification of P15-0255, Minor Conditional Use Permit) – Hideaway Café’s Alcohol Beverage Control License – 3700 Main Street, Ward 1

Proposal by the Craig Johnston on behalf of the Hideaway Cafe / Mission Galleria to consider a Modification of Planning Case P16-0251 (Modification of Minor Conditional Use Permit) to upgrade the existing on-sale beer and wine license (Type 41 Alcohol License) to allow on-sale of distilled spirits (Type 47 Alcohol License) in conjunction with the eating establishment. Dave Murray, Principal Planner, presented the staff report. Raychele Sterling, representing the applicant, stated she was representing Mr. Johnston pro bono. She referenced her request for additional time for their presentation. Following discussion, the Planning Commission motioned to maintain the 15 minute time slot allotted to applicants per the rules of the Commission. Motion carried

Ms. Sterling continued with her presentation and went through her exhibits which were distributed to the Planning Commission prior to the meeting. Comments from the audience: Jason Hunter spoke in support of the proposal and to revisit the cover charge conditions. Robert Earl Bogan spoke regarding the City’s pillar of inclusivity. He stated his position was neutral but cautioned the use of racism as a tool to get what we want. The Public Hearing was closed. Following discussion the Planning Commission: 1) Denied Planning Case P18-0572 (Modification to Minor Conditional Use Permit) based on 1) the inability of staff to make the findings required by the Zoning Code; 2) a consistent pattern of ignoring and violating the Minor Conditional Use Permit (MCUP); 3) the ongoing extraordinary calls for service; and 4) the ongoing Stayed Revocation status imposed by the California Alcohol Beverage Control for the sales of narcotics by employees in 2016.

Motion Carried.

Motion Second Ayes Noes	X	X	X	X	X	X	X	X
Motion Second Ayes Abstain	X	X	X	X	X	X	X	X



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### WARDS

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#### CONSENT CALENDAR

The following items were approved by one motion affirming the actions appropriate to each item.

The Minutes of the Planning Commission Meeting of April 4, 2019 were approved as presented.

#### COMMUNICATIONS

Items For Future Agendas And Update From City Planner:  
Mary Kopaskie-Brown, City Planner, reported on the upcoming Planning Commission meetings.

#### ADJOURNMENT

The meeting was adjourned at 11:46 a.m. to the meeting of May 2, 2019 at 9:00 a.m. in the Art Pick Council Chamber.

The above actions were taken by the City Planning Commission on May 2, 2019. There is now a 10-day appeal period that ends on April 29, 2019. During this time, any interested person may appeal this action to the City Council by submitting a letter of appeal and paying the appeal fee. In the absence of an appeal or referral, the Commission's decisions and conditions become final after 5:00 p.m. on April 29th.

All actions by the Planning Commission, heard April 18<sup>th</sup>, will be final on the appeal date.

2. P18-0028, P18-0031, P18-0032, P18-0033 and P18-0034 – Denied
3. P18-0572 - Denied
4. P18-0526, P18-0527 & P18-0259 – Continued to May 2, 2019

*Minutes approved as presented at the May 2, 2019 meeting.*