



City of Arts & Innovation

PLANNING COMMISSION MINUTES

THURSDAY, MARCH 2, 2023, 9:00 A.M.
PUBLIC COMMENT IN PERSON /TELEPHONE
ART PICK COUNCIL CHAMBER
3900 MAIN STREET

COMMISSIONERS

PRESENT: R. Kirby, L. Mooney, J. Rush, R. Singh, J. Wilder, L. Wilson

ABSENT: J. Parker (personal), C. Roberts (vacation), T. Ridgway (personal)

STAFF: B. Norton, M. Taylor, S. Wilson, P. Nitollama, C. Scully, F. Andrade

Chair Kirby called the meeting to order at 9:00 a.m. He welcomed and introduced the new Planning Commissioner, Launa Wilson.

ELECTION OF OFFICERS

Chair Kirby made officer nominations:

Chair: John Wilder
Vice-Chair: Jonathan Parker
Secretary: Raj Singh
Sergeant at Arms: James Rush

Motion by Chair Kirby, Seconded by Commissioner Wilder to approve the officers as nominated:

Motion Carried: 6 Ayes, 0 Noes, 0 Absent, 0 Abstention
AYES: Kirby, Mooney, Rush, Singh, Wilder, Wilson
NOES: None
ABSENT: Parker, Roberts, Ridgway
ABSTENTION: None

Chair Kirby asked to revote on this item and restated his nominations, the Commission agreed.

Chair Kirby made officer nominations:

Chair: John Wilder
Vice-Chair: Lorraine Mooney
Secretary: Raj Singh
Sergeant at Arms: James Rush



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Motion by Chair Kirby, Seconded by Commissioner Rush to approve the officers as nominated:

Motion Carried: 6 Ayes, 0 Noes, 0 Absent, 0 Abstention
AYES: Kirby, Mooney, Rush, Singh, Wilder, Wilson
NOES: None
ABSENT: Parker, Roberts, Ridgway
ABSTENTION: None

The Planning Commission took a 5 minute recess for the new officers to take their new assignments.

The Planning Commission reconvened with Chair Wilder presiding and all Commissioners present.

ORAL COMMUNICATIONS FROM THE AUDIENCE

There were no comments from the audience.

CONSENT CALENDAR

The Consent Calendar was unanimously approved as presented below affirming the actions appropriate to each item.

MINUTES

The minutes of the February 16, 2023, were approved as presented.

A motion was made by Commissioner Kirby and Seconded by Commissioner Singh to approve the Consent Calendar as presented.

Motion Carried: 6 Ayes, 0 Noes, 0 Absent, 0Abstention
AYES: Kirby, Mooney, Parker, Rush, Singh, Wilder, Wilson
NOES: None
ABSENT: Roberts, Ridgway
ABSTENTION: None



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PUBLIC HEARINGS

PLANNING CASE PR-2020-000609 – TENTATIVE TRACT MAP 37865, DESIGN REVIEW AND VARIANCE - 9321 DUNCAN AVENUE, WARD 5

Proposal by Johnny Vu and Lyon Q Doan to consider the following entitlements to facilitate the construction of a six-unit condominium complex: 1) Tentative Tract Map for a one lot subdivision for condominium purposes; 2) Design Review of project plans; and 3) Variance to allow a 3.5-foot wide side yard setback where the Zoning Code requires a 7.5-foot wide side yard setback. Alyssa Berlino, Associate Planner, presented the staff report. Ms. Berlino noted that the staff report includes a discussion regarding CEQA categorical exemptions for the Tentative Tract Map and Variance under the “environmental review” section. Staff inadvertently omitted the Map and Variance environmental determination in the project recommendations. Should the Commission choose to approve this proposal, staff requests that the motion include staff’s recommendation that the Planning Commission determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development) and 15061.b.3 (Common Sense) of the CEQA Guidelines, as the project will not have a significant effect on the environment. Johnny Vu, applicant, stated they were in agreement with the recommended conditions of approval. There were no public comments, the public hearing was closed. Following discussion it was moved by Commissioner Rush and seconded by Commissioner Kirby to: 1) Determine that the project is consistent with the Final EIR for the 2014-2021 Housing Element Update/Housing Implementation Plan certified in December 2017 (SCH No. 2017041039) subject to compliance with the approved Mitigation Monitoring and Reporting Program; 2) Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development) and 15061.b.3 (Common Sense) of the CEQA Guidelines, as the project will not have a significant effect on the environment. and 3) Approve Planning Case PR-2020-000609 (Tentative Tract Map 37865, Design Review, and Variance), based on the findings outlined in the staff report and subject to the recommended conditions.

Chair Wilder advised of the appeal period.

Motion Carried: 6 Ayes, 0 Noes, 0 Absent, 0 Abstention
AYES: Kirby, Mooney, Rush, Singh, Wilder, Wilson
NOES: None
ABSENT: Parker, Roberts, Ridgway



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ABSTENTION: None

The Planning Commission decision is final unless appealed to City Council.

PLANNING CASE PR-2022-001381- VESTING TRACT MAP 38489, DESIGN REVIEW AND VARIANCE - 3178, 3188, 3190, 3198, and 3196 JACKSON STREET, WARD 5

Proposal by Moses Kim of Warmington Homes to consider the following entitlements to facilitate the construction of 70 residential condominium dwelling units: 1) Vesting Tract Map for a one-lot subdivision for condominium purposes; 2) Design Review of project plans; and 3) Variance to allow a combination freestanding and retaining wall with a maximum overall height of 16 feet, where the Zoning Code allows a maximum overall height of 10 feet. Veronica Hernandez, Senior Planner, presented the staff report. Ms. Hernandez noted that the staff report includes a discussion regarding CEQA categorical exemptions for the proposal under the "environmental review" section. Staff inadvertently omitted the environmental determination in the project recommendations. Should the Commission choose to approve this proposal, staff requests that the motion include staff's recommendation that the Planning Commission determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development) and 15061 (Common Sense) of the CEQA Guidelines, as the project will not have a significant effect on the environment. There were no public comments, the public hearing was closed. Following discussion it was moved by Commissioner Kirby and seconded by Commissioner Singh to: 1) Determine that the project is consistent with the Final EIR for the 2014-2021 Housing Element Update/Housing Implementation Plan certified in December 2017 (SCH No. 2017041039) subject to compliance with the approved Mitigation Monitoring and Reporting Program.; 2) Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development) and 15061 (Common Sense) of the CEQA Guidelines, as the project will not have a significant effect on the environment; and 3) Approve Planning Case PR-2022-001381 (Vesting Tract Map, Design Review, and Variance, based on the findings outlined in the staff report and subject to the recommended conditions with the additional condition: Guest parking shall be clearly marked with signage and reserved for the sole use of guests, to be enforced by the HOA.

Chair Wilder advised of the appeal period.



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Motion Carried: 6 Ayes, 0 Noes, 0 Absent, 0 Abstention
AYES: Kirby, Mooney, Rush, Singh, Wilder, Wilson
NOES: None
ABSENT: Parker, Roberts, Ridgway
ABSTENTION: None

The Planning Commission decision is final unless appealed to City Council.

COMMUNICATIONS

ITEMS FOR FUTURE AGENDAS AND UPDATE FROM CITY PLANNER

Brian Norton, Senior Planner, updated the Commission regarding items for future meetings.

Mr. Norton thanked Commissioner Kirby for his 3-year service as Chair.

ADJOURNMENT

The meeting was adjourned at 9:45 a.m. to the meeting of March 16 at 9:00 a.m.

The above actions were taken by the City Planning Commission on March 2, 2023. There is now a 10-day appeal period that ends on March 13, 2023. 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 March 13, 2023.

Minutes approved as presented at the March 16, 2023 meeting.