

**CITY OF SAN PABLO
PLANNING COMMISSION MINUTES
MARCH 21, 2017
CITY COUNCIL CHAMBERS
ONE ALVARADO SQUARE
SAN PABLO, CA**

ROLL CALL

Chairperson Xavier called the meeting to order at 6:30 P.M. Call of the roll showed present Commissioner Xavier, Commissioner Trujillo, and Commissioner Shi, and Commissioner Feliciano. Commissioner Inglis was absent. Staff present at the meeting were: Michele Rodriguez, Development Services Director, Lynn Tracy Nerland, City Attorney, Elizabeth Dunn, Assistant Planner, Sarah Maroof, Administrative Secretary, Tricia Stevens, Consulting Planner, and Sergeant Bradley Lindblom, Police Department/Code Enforcement.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Commissioner Trujillo made a motion to approve the minutes for the meeting of February 22, 2017. The motion was seconded by Commissioner Shi. The motion was approved 4-0-1, with Commissioner Inglis absent.

AYES: Feliciano, Shi, Trujillo, and Xavier.
NOES: None.
ABSENT: Inglis.
ABSTAIN: None

PUBLIC HEARINGS

PLAN1702-0016: Consideration of a Conditional Use Permit and determination of Public Convenience or Necessity for an on-sale alcohol license for beer and wine only for a new restaurant, Ocotes Grill, at 1439 23rd Street, San Pablo, CA 94806, APN 410-180-023. The property has the Commercial Mixed Use zoning designation and is outside of the 23rd Street Specific Plan. It has been determined that the proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA Guidelines Section 15301, Class 1, Existing Facilities. Class 1 addresses an existing private structure, such as this recently renovated building, where a restaurant will be operating.

Elizabeth Dunn, Assistant Planner, gave an overview of the project, staff report, and recommendations. Ms. Dunn also responded to three questions received from Planning Commissioner Inglis prior to the Planning Commission meeting, as follows.

Question #1: I see no mention of parking spaces for customers. Either existing or planned.

Response: At its meeting of June 7, 2011, the Planning commission approved the design review project at 1439 23rd Street. This was to alter the exterior façade, parking lot, and landscaping at the site. Parking

lot discussion occurred with the June 2011 approval. The request for on-site beer and wine sales is within a building that has been renovated and does not affect the on-site parking spaces. The approved parking lot layout was provided.

Question #2: The lack of an emergency exit from the wash/store room concerns me. In the event of a fire in the kitchen, anybody in that back room may be trapped.

Response: The tenant improvement plans have been reviewed, approved, and finalized by the Chief Building Official as meeting the City of San Pablo Building Code. Egress from this space is the determination of the Chief Building Official and not the purview of the Planning Commission.

Question #3: The document attached shows two versions of the floor plan. One on page 29 and another on page 53. Both floor plans show tables and chairs located close to the only entry/exit doors in the facility.

Response: The floor plan is included in two places: Exhibit A-1 to the Resolution (Attachment A), and Attachment F, as part of the narrative submitted by the Applicant. The floor plans are the same.

Ms. Dunn subsequently responded to various questions posed by the Commissioners regarding the conditions of approval, including those conditions relating to the maximum allowable percentage of sales attributable to alcohol sales, loitering, and undue concentration of alcohol sales in the city.

The public hearing was opened, and speakers included Raul Ledesma, owner of Ocotes Grill, and his sister, Griselda Ledesma, owner of the property. Ms. Ledesma stated that the purpose of the project was to provide a family restaurant for the benefit of the San Pablo community, and that the sale of beer and wine was necessary for the restaurant to be competitive with other restaurants in the surrounding communities. The applicants confirmed agreement with the conditions of approval. There being no members of the audience wishing to speak regarding the project, the public hearing was closed.

Commissioner Trujillo made a motion to adopt Resolution 17-03 recommending approval of PLAN1702-0016 for a Conditional Use Permit and determination of Public Convenience or Necessity for sale of alcohol. Commissioner Shi seconded the motion. The Commission voted in favor 4-0-1. The recommendation will go to the City Council on April 17th.

AYES: Feliciano, Shi, Trujillo, and Xavier.

NOES: None.

ABSENT: Inglis.

ABSTAIN: None.

PLAN1702-0017 and PLAN1612-0012: Consideration of a Conditional Use Permit and Minor Design Review to allow for a new two-story single family residence of 2,412 square feet, with side yard windows, on a substandard lot of 2,850 square feet at 1825 18th Street, San Pablo, CA (APN 411-052-026). The property is zoned R-1 Single-Family Residential. It has been determined that the proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA), consistent with the provisions of CEQA Guidelines Section 15303(a), which allows for the construction of a new single family residence.

Elizabeth Dunn, Assistant Planner, gave an overview of the project, staff report, and recommendations. Ms. Dunn responded to questions from Planning Commissioners concerning the rear window on the second floor, which appeared to be double-hung on the elevation drawing, but appeared to be a slider on the plan. It was decided that a slider window would be preferred, in order to be consistent and for egress.

The public hearing was opened, and speakers included Kyle Tam, owner/applicant, designer, and builder of the proposed residence. Mr. Tam stated that the project was for his personal residence. Mr. Tam agreed that he will use all slider windows on the second floor of the residence in order to be consistent and to provide egress. It was agreed by the Commissioners to amend the conditions of approval, as follows. Under condition number 4, regarding windows, the added condition of 4(b) after 4(a) will read as follows, "Plans submitted for building permit issuance shall illustrate slider windows for all second story windows." What was previously condition 4(b) will be made condition 4(c).

The applicants confirmed agreement with the conditions of approval as amended. There being no members of the audience wishing to speak regarding the project, the public hearing was closed.

Commissioner Feliciano made a motion to adopt Resolution 17-04, as amended, approving PLAN1702-0017 and PLAN1612-0012 for a Conditional Use Permit and Minor Design Review. Commissioner Shi seconded the motion. The Commission voted in favor of Resolution 17-04 as amended 4-0-1, with Commissioner Inglis absent.

AYES: Feliciano, Shi, Trujillo, and Xavier.
NOES: None.
ABSENT: Inglis.
ABSTAIN: None.

STUDY SESSION/DISCUSSION

Director Rodriguez opened the study session/workshop regarding Accessory Dwelling Units. A detailed presentation on the topic of Accessory Dwelling Units (ADUs) was given by consulting planner Tricia Stevens, outlining the new state law concerning ADUs, followed by questions and discussion by the Planning Commission, including feedback on future content. Issues under particular discussion included minimum parcel size to allow an ADU, the number and size of lots within the city, parking issues and the possibility of requiring parking permits, availability of public transit and how it relates to parking issues, garage conversion, desire by homeowners to build ADUs, maximum ADU size and height, limits to the number of bedrooms allowed, and the allowance for Conditional Use Permits for exceptions. It is planned that a draft ADU ordinance may be presented to the Planning Commission at its next meeting on April 18th, 2017, for public hearing.

The planned study session on Telecom Ordinance Revisions: New and Existing Facilities was continued to the next Planning Commission meeting on April 18th, 2017.

NEW BUSINESS

City Attorney Lynn Tracy Nerland was prepared to give a presentation on Public Service Ethics and laws: Governmental Transparency and Fair Processes. It was decided to continue this presentation to the next Planning Commission meeting with all Commissioners present.

Director Rodriguez reminded the Commissioners that, per the City Clerk, their Conflict of Interest Form 700 needed to be filed by April 1, 2017.

Director Rodriguez reported that an email went out earlier in the day to all Planning Commissioners regarding teleconferencing and the Brown Act.

OLD BUSINESS

Director Rodriguez reviewed the following items:

- Bicycle and Pedestrian Master Plan
- Development Services Monthly Report

PLANNING COMMISSION REPORTS

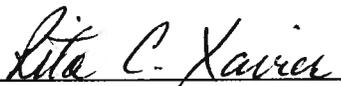
Director Rodriguez reported that PLAN1610-0024, Consideration of a Major Design Review and a Tentative Subdivision Map for the Plaza San Pablo mixed use retail/townhome project, which was recommended for approval by the Planning Commission at its February 22nd, 2017, meeting, was approved by City Council at its meeting on March 20, 2017.

Verbal reports on the 2017 Planning Commissioners Academy held in Los Angeles from March 1st through 3rd, 2017, were provided by the following Planning Commissioners who attended the conference:

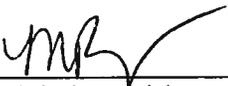
- Commissioner Xavier
- Commissioner Shi
- Commissioner Trujillo

ADJOURNMENT

There being no further business, Chairperson Xavier adjourned the meeting at 8:40 P.M. to the April 18th, 2017 meeting.



Rita Xavier
Chairperson



Michele Rodriguez
Development Services Director