



City of San Pablo Planning Commission

MINUTES

Tuesday, August 25, 2020 at 6:00 pm

City Hall Council Chambers, Building 2

13831 San Pablo Avenue, San Pablo, CA 94806

Roll Call

Chair Feliciano called the teleconferenced/video-conferenced meeting to order at 6:00 p.m. Roll call showed present: Commissioner Shi, Commissioner Harlan-Ogbeide, Commissioner Morris, Vice Chair Gantt and Chair Feliciano. Staff present at the meeting included: Lynn Tracy Nerland, City Attorney; Charles Ching, Community & Economic Development Director; Libby Tyler, Planning Manager; Sandra Marquez, Associate Planner; Michelle Chavez, Administrative Secretary; and Brian Bubar, Captain of San Pablo Police Department.

Planning Manager Tyler announced that the meeting was being held via video/teleconference in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the Planning Commission, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both. Ms. Tyler further announced the ways in which members of the public could watch or listen to the meeting during livestream on the City website, which were also highlighted in the Planning Commission's agenda. Instructions were also announced on how the public could provide public comments via email which would be read before consideration of the item.

Approval of the Minutes

Commissioner Harlan-Ogbeide made a motion to approve the minutes from the July 28, 2020 meeting. The motion was seconded by Vice Chair Gantt and passed as follows:

AYES: Shi, Gantt, Harlan-Ogbeide, Feliciano
NOES: None
ABSENT: None
ABSTAIN: Morris

Appeal Date

Planning Manager Tyler announced that the appeal date for actions taken by the Commission at this meeting would be no later than 6:00 p.m. on **Tuesday, September 8, 2020.**

Public Hearing

Location: 13956 San Pablo Avenue
APN: 411-350-039 and 411-350-027
Zoning: SP2- San Pablo Avenue Specific Plan, High Density Residential
CEQA: Exempt under Section 15301, Class 1(a), Existing Facilities
Owner: Arnold Creekside LLC and Gordon Creekside LLC
Applicant: Oryx Partners, LLC
Agent for Applicant: J.C. Wallace

The applicant is requesting a Conditional Use Permit, PLAN2002-0022, to allow a Community Care Facility for up to 262 adult residents in an existing building currently in use as a senior living facility on a 2.29-acre parcel at 13956 San Pablo

Avenue. The San Pablo Avenue Specific Plan requires a Conditional Use Permit for Community Care facilities. The use of the parcel was previously permitted as a 117-unit senior living apartment complex on February 4, 1986 (Use Permit #1371), which was recently closed.

This item was continued from the July 28, 2020 Planning Commission Meeting. Legal and public notices were sent out notifying the public regarding tonight’s public hearing. City Attorney Nerland provided procedural information to the Commission and confirmed with Commissioner Morris that he had read last meeting’s staff report and had watched the video of the July 28, 2020 Planning Commission meeting. Commissioner Morris indicated that he was able to consider the request fairly and in an informed manner. City Attorney Nerland asked each Commissioner if they had any *ex parte* contact with the applicant. Chair Feliciano and Commissioner Harlan-Ogbeide stated the applicant had reached out but neither had responded. Commissioner Harlan-Ogbeide stated she was uncomfortable about being contacted and did not have contact. Vice Chair Gantt and Commissioner Shi indicated that they did not have *ex parte* contact. Commissioner Morris stated that he did have *ex parte* contact and spoke with the applicant, but was provided no information that wasn’t already part of the public record and that he could make a fair decision.

Planning Manager Tyler presented the staff report. Prior to tonight’s meeting, Commissioner Shi submitted questions to staff. Planning Manager Tyler, read the questions along with the applicant’s answers. Planning Manager Tyler informed Commissioners that the applicant had agreed to limit occupancy to 225 residents over 4 phases in 24 months under the terms of this permit. Any increases up to the maximum licensed occupancy of 262 would require an amendment to the permit to be considered by the Planning Commission. Prior to tonight’s meeting Commissioners were given the requested COVID-19 facility procedures. Compliance with COVID regulations and protocols were added as a benchmark necessary to increase the phased occupancy under the conditions of approval. Requested information was given regarding the Palm View Retreat facility in Vallejo, California.

The public hearing was opened at 6:49 p.m. The applicant JC Wallace and proposed operator Betty Dominici spoke. No other members of the public spoke or submitted public comments. The public hearing was closed at 7:08 p.m. Discussion ensued among the Commission. Commissioner Harlan-Ogbeide requested that the applicant provide a written report to the Planning Commission at a sooner interval of 3 months in addition to the 6-month written report.

Commissioner Morris made a motion to approve the Resolution with the added condition of a written report at 3 months, as well as at 6 months. The motion was seconded by Vice Chair Gantt and passed as follows:

AYES: Harlan-Ogbeide, Morris, Gantt, Feliciano
NOES: None
ABSENT: None
ABSTAIN: Shi

Staff Updates

Director Ching informed the Commissioners that the City will be hosting an Affordable Housing Strategy Forum, in English, on September 27, 2020 at 6:00 p.m. and in Spanish on September 29 at noon. Both Forums will be presented via Zoom.

Adjournment

There being no further business, Chair Feliciano adjourned the meeting at 7:42 p.m. to September 22, 2020.

_____/s/_____
Roberta Feliciano, Chair

_____/s/_____
Charles Ching, Secretary