

**Planning Commission Minutes
Community Chambers
Wednesday, January 6, 2010, 7:00 p.m.**

Commissioners Present: Mark Braly (Chairperson), Rob Hofmann,
Mike Levy (Vice-Chairperson), Terry Whittier

Commissioners Absent: Ananya Choudhuri (Alternate), Greg Clumpner, Lucas
Frerichs, Kris Kordana

Staff Present: Mike Webb, Principal Planner; Lynanne Mehlhaff,
Planning Technician

1. Call to Order

Chairperson Braly called the meeting to order at 7:01 p.m.

2. Approval of Agenda

The agenda was approved by consensus.

3. Staff and Commissioner Comments (No action).

Chairperson Braly said that Mike Webb and the Committee for the upcoming Workshop on strengthening the City's resale ordinance welcomed any Commissioner comments and suggestions for the Workshop in March, 2010.

4. Public Communications

There were no public communications.

5. Public Hearings

A. PA #31-09, 1260 Lake Boulevard, Westlake Market, Public Convenience or Necessity #01-09; (Mike Webb, Principal Planner)

Public Hearing to consider approval of a Public Convenience or Necessity (PCN) determination to allow the issuance of a license from the ABC for the

“off-sale” of beer, wine and liquor at the Westlake Market located at 1260 Lake Boulevard, the Westlake Shopping Center.

Mike Webb, Principal Planner, presented the staff report.

Chairperson Braly opened the public hearing.

Harley DeLano, applicant and owner, explained how the liquor, beer and wine sales would be a small part of the store. Even though this was a small part of the store, they wanted the same approvals that all the other stores have in town to offer their customers. He wanted to be able to sell single bottles of beer and wine like other stores.

David Greenwald, neighbor to the grocery store, said he spoke to Chief Black of the Davis Police Department who stated there was a miscommunication when the crime statistics were reported for the area.

Katherine West, neighbor, thanked the Commissioners for the special meeting so that a neighborhood grocery store could open.

Ron Clement, neighbor in west Davis, said the three previous markets had alcohol in this exact location.

Tim Seward, resident of west Davis, said this area of west Davis was not a high crime area. He was happy to see the shopping center filling up.

Chairperson Braly closed the public hearing.

Action: Commissioner Hofmann moved that a determination for the issuance of a license to Westlake Market will serve the public convenience and necessity and added the following additional findings: 1) that the issuance of the license will enhance the economic viability of the surrounding shopping center or neighborhood 2) issuance of the license will not interfere with the quiet use and enjoyment of the surrounding residential neighborhood. Commissioner Whittier seconded the motion. Commissioner Hofmann clarified finding #2 and Conditions of Approval #3 to make them clearer.

AYES: Whittier, Levy, Hofmann, Braly
The motion passed 4 to 0.

Vice-Chairperson Levy moved that the Planning Commission recommends and requests the State Department of Alcohol and Beverage Control issue a Type 21 License without conditions beyond the standard conditions normally imposed in a Type 21 License.

AYES: Whittier, Levy, Hofmann, Braly
The motion passed 4 to 0.

6. Staff and Commissioner Comments (continued).

Mike Webb went over the future meeting schedule.

7. Public Communications

Judy Caparo, neighbor, asked if Trader Joe's would have trouble with a PCN since they were in the same crime reporting area. Staff responded that it shouldn't be a problem.

8. Adjournment to the next regular Planning Commission meeting to be held on Wednesday, January 13, 2010 in the Community Chambers (23 Russell Boulevard).

The meeting was adjourned at approximately 7:58 p.m.