



*Vien Truong, Chair
C. Blake Huntsman, Vice Chair
Michael Colbruno
Chris Pattillo
Jonelyn Whales
Madeleine Zayas-Mart*

February 15, 2012
Regular Meeting

ROLL CALL

Present: Truong, Huntsman (Arrived at 6:30 P.M.), Colbruno, Pattillo, Whales, Zayas-Mart (Arrived at 6:10 P.M.)

Staff: Scott Miller, Maurice Brenyah-Addow, Aubrey Rose, Peterson Vollman, Heather Lee, Cheryl Dunaway

Commission Matters

Scott Miller announced upcoming meeting schedules. Design Review Committee Meeting will be held on Wednesday, February 22, 2012. The Lake Merritt Station Area Plan Workshop will be held on Saturday, February 25, 2012 at Laney College, Bistro.

OPEN FORUM

No Speakers.

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Community and Economic Development Agency, Planning and Zoning Division, at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the **Planning Department at 510-238-3941** or **TDD 510-238-3254** at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

**PUBLIC HEARINGS****ITEM #4 WAS TAKEN OUT OF ORDER AND HEARD FIRST**

4.	Location:	Citywide
	Proposal:	Discussion of proposed zoning text amendments to various parts of the Planning Code, including: 1) updating references, reducing redundancy, and clarifying language in various chapters of the Planning Code; 2) modifying the threshold in Chapter 17.102 for exemption from the 1,000-foot separation requirement for Alcohol Beverage Sales Commercial from 20,000 square feet down to 12,000 square feet, and modifying the requirement for 25 Full-Time Employees; 3) modifications in Chapter 17.108 to setbacks of allowed projections above the height limits and allowed projections into required setbacks; 4) modifications in Chapter 17.108 to interior courtyard regulations and separation and setback requirements from legally required windows; 5) modifications in Chapter 17.108 for inclusion of specific standards for wind power generating facilities.
	Applicant:	Planning Commission
	Case File Number:	ZT12-012
	Planning Permits Required:	Zoning Text Amendments
	General Plan:	All General Plan designations
	Zoning:	All Zoning districts
	Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRs for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, 15301, 15303, 15304 and/or Section 15305 of the State CEQA Guidelines.
	Service Delivery District:	All Service Delivery districts
	City Council District	All City Council districts
	Status	Hearing by the Planning Commission
	Action to be Taken:	Recommendation to City Council.
	For further information:	Contact: Peterson Z. Vollmann at 238-6167 or email pvollmann@oaklandnet.com .

Staff Member Peterson Vollman gave a presentation, and answered questions asked by the Planning Commission with the assistance of Scott Miller.

Chair Truong recommended that future evaluations be done regarding of wind power generating facilities when reviewing Zoning Updates in order to avoid impacts to birds migratory patterns.

Zayas-Mart requested clarification of the allowed projections on the edge of pavement or any street line or alley. Staff Members Peterson Vollman and Scott Miller responded to her question.

Chair Truong also raised the question and concern about the requirements for stores such as CVS Pharmacy and Walgreens application process to sell alcoholic beverages is more lenient in certain areas in the City of Oakland whereas the application process to sell alcoholic



beverages for smaller businesses appear to have a more stringent process.

The differences in these processes appear to be a conflict of values and a hindrance to small – scale mom and pop businesses. She also recommended that before the approval of wind power generating facilities in residential or non residential zones there be a review to dismiss any impacts there may be on bird migratory patterns.

Scott Miller responded to Chair Truong's questions and concerns and explained the differences in the alcohol sales application process for stores like Walgreens and CVS Pharmacy vs. smaller businesses and stated that it is the larger stores, regardless of corporate affiliation, that can supply the necessary security, training and store support to eliminate or minimize potential nuisance and crime issues.

Commissioner Colbruno gave his explanation on the intent about the restrictions placed on the applicant as it pertains to alcohol sales to allow development of East and West Oakland businesses in problem areas, not to discourage business owners from bringing their business to these areas. The intent is to create a threshold and a process to allow businesses like Walgreens to invest in these areas when otherwise they wouldn't. When there are problems with alcohol sales in certain areas it is usually when that business doesn't follow the conditions of approval set forth by the Planning Commission. The Planning Commission can still place conditions of approval for any application as a part of the approval process.

Commissioner Zayas-Mart also agrees with both Chair Truong and Commissioner Colbruno on their above comments. The competitive advantage of the smaller businesses be reduced to make the application process for alcohol sales be more lenient unless it results in them following the conditions of approval and provide the necessary security to improve public safety. She also would like a process in place on how the Planning Commission would receive information on if the business is following the conditions of approval and has proven that there has been no public safety issues pertaining to alcohol sales.

Chair Truong stated she does agree with stimulating economic development which may prove to be beneficial. In the future, she would like more thought going into the factors that may be considered when reviewing application processes such as this on the harmful impacts to the community and providing some type of protection for them. She is aware that a decision may not be made now but, she would like for the public to know that these are some of the considerations being taking on their behalf.

Commissioner Pattillo made a motion for approval recommendation to City Council adding the need to examine potential impacts to migratory bird patterns in relation to the wind powered generating facilities, seconded by Commissioner Whales.

Action on the matter: Approval recommendation goes to the City Council, 6 ayes, 0 noes.

Commissioner Zayas-Mart expressed the importance of having detailed minutes for the Planning Commission Meetings for the purpose of review of what was actually stated in the comments, discussions, voting results and general information of the meeting.



1.	Location: 1617 Kirkham Street
	APNs : 005-0393-006-00; 005-0393-007-00; 005-0393-008-00; 005-0393-009-01; 005-0393-017-01; & 005-0393-022-00
	Proposal: To revise the Conditions of Approval imposed on CM02-039 by eliminating condition #8 that put a 10 year time-limit on an approved Truck-Related Activity in West Oakland.
	Applicant: Dorothy Blake Trust/John McManus, Cushman and Wakefield
	Contact Person /Phone No.: John MacManus - (510)763-4900
	Case File Number: (REV12-002 (CM02-039)
	Planning Permits Required: Revision to Conditions of Approval of Major Conditional Use Permit (CM02-039) to eliminate condition #8 that put a 10 year time-limit on an approved Truck-Related Activity in West Oakland.
	General Plan: Business Mix
	Zoning: CIX-1/S-19
	Environmental Determination: Exempt, Section 15301, State CEQA Guidelines: Minor alteration to existing facilities; Section 15183, State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	Historic Status: Not a Potentially Designated Historic Property: Survey Rating N/A
	Service Delivery District: 1
	City Council District: 3
	Date Filed: January 12, 2012
	Status: Pending.
	Action to be taken: Decision on application based on staff report
	Finality of Decision: Appealable to City Council within 10 days
	For further information: Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at: mbrenyah@oaklandnet.com

Staff Member Maurice Brenyah-Addow gave a presentation.

Applicant: John Mc Manus gave a brief presentation.

Commissioner Pattillo commended the owner on the excellent landscaping job done at the proposed project site which was approved in 2002.

Commissioner Colbruno recommended that General Ralph Kirkham to be recognized by placing a plaque at the proposed project site in his honor.

Speaker: George Burt.

Commissioner Pattillo made a motion to approve, seconded by Commissioner Zayas-Mart.

Action on the matter: Approved 6 ayes, 0 noes.



2.	Location:	3271 Lakeshore Avenue (APN: 011 -0838-017-00)
	Proposal:	To serve beer & wine for on-site consumption with meals in a 1,894 square-foot limited service restaurant with a 10:00 pm closing time (Chipotle Mexican Grill).
	Applicant/	Ms. Stacy Kroft / Harlan R. Faust Architects
	Phone Number:	(402) 895-0878
	Owner:	3275 Lake Shore LLC
	Case File Number:	CMV12-004
	Planning Permits Required:	Major Conditional Use Permit with additional findings to allow an Alcoholic Beverage Sales Commercial Activity; Findings for Public Convenience Or Necessity (PCN) to allow new Alcoholic Beverage Sales in an over-concentrated area; Variances to allow a new Alcoholic Beverage Sales outside of the Central Business District (1) within 1,000 feet of an existing location and (2) within 1,000 feet of a civic uses (parks; school) in an over-concentrated area as required by PCN findings
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-1 Neighborhood Commercial Zone – 1
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operations); Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan, or zoning
	Historic Status:	Potential Designated Historic Property; Survey rating: Fd2+ (contributor, Area of Secondary Importance: Lakeshore Avenue Commercial historic district)
	Service Delivery District:	III
	City Council District:	2
	Date Filed:	January 12, 2012
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or arose@oaklandnet.com

Staff Member Aubrey Rose gave a brief presentation. Applicant Paul Wong was available for questions.

Commissioner Colbruno made a motion to approve, seconded by Vice Chair Huntsman.

Action on the matter: Approved 6 ayes, 0 noes.



PLEASE NOTE: ITEM #3, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.

3.	Location:	2401-17 and 2345 Broadway, 421 24th Street (APNs 008-0674-003-01; 008-0674-004-00; 008-0739-007-00; 008-0666-005-00)
	Proposal:	Reestablish new vehicle automobile dealerships and service garage uses on approximately 1 acre in the CC & D-BR zoning districts; minor façade renovations of buildings
	Contact Person/Phone Number:	Chris Kwei, Nextmotors, 510-703-9886
	Owner:	Chris Kwei
	Case File Number:	CMD12-005
	Planning Permits Required:	Conditional Use Permit for Automobile and Other Light Vehicle Sales and Rental; and Accessory Automobile and Other Light Vehicle Repair and Cleaning; Regular Design Review for Minor Modifications of Building Façade and Parking Area
(continued on page 6)		
(continued from page 5)		
	General Plan:	Community Commercial
	Zoning:	CC-2 and CC-3 Community Commercial Zoning Districts; D-BR Broadway Retail Frontage District Interim Combining Zone
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303
	Historic Status:	Potential Designated Historic Property (PDHP): 2401-11 Broadway, Eb-1* survey rating, API Contingency contributor, 25th Street Garage Historical District, Pacific Kissel Showroom; Not PDHP: 421 24th Street, Minor Importance, survey rating D3.
	Service Delivery District:	2
	City Council District:	3
	Date Filed:	January 5, 2012
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com



Approval of Minutes

Commissioner Colbruno made a motion to approve the January 11, 2012 minutes, seconded by Commissioner Pattillo.

Action on the matter: Approved 4 ayes, 0 noes.

Commissioner Colbruno made a motion to approve the January 18, 2012 minutes, seconded by Commissioner Pattillo.

Action on the matter: Approved 3 ayes, 1 abstention (Truong).

ADJOURNMENT

Meeting adjourned at approximately 7:00 P.M.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING:

March 7, 2012