



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

March 7, 2012
Regular Meeting

ROLL CALL

Present: Huntsman, Colbruno, Pattillo, Whales, Zayas-Mart.

Excused: Truong.

Staff: Scott Miller, David Valeska, Heather Klein, Mark Wald, Cheryl Dunaway.

WELCOME BY THE CHAIR

Agenda Discussion

Item # 1 and 4 have been removed from this agenda. Commissioner Colbruno raised the question of possibly having the Safeway College Avenue project on a future Planning Commission agenda. Staff Member Scott Miller responded stating that it may occur sometime in May or June of 2012.

Committee Reports

Commissioner Zayas-Mart gave a report on the Design Review Committee Meeting held on February 22, 2012. Vice Chair Huntsman gave a brief report on the Planning Commission Special Workshop held on February 25, 2012.

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.



OPEN FORUM

No speakers.

CONSENT CALENDAR

Item #2 has been moved on consent of the Planning Commission.
Commissioner Colbruno made a motion to approve, seconded by Commissioner Whales.

Action on the matter: Approved 3 ayes, 1 no (Pattillo), 1 abstention (Zayas-Mart).

PLEASE NOTE: ITEM #1, BELOW, HAS BEEN REMOVED FROM THIS AGENDA

1.	Location:	Golf Links Road (in the public right of way) and near 9990 Sigourney Avenue (APN 048-6162-007-00, 6163-006-00) (9-1-11)
	Proposal:	To install a total of ten (10) new antenna (4 panel antennas and 8 RRH units), one new & one replacement wooden pole(s), and new ground level equipment cabinets (with new screening fences and live planting landscape elements). The macro-telecommunication facility will include previously existing pole mounted antennas and ground level equipment cabinets, and will span (by means of over head cable) the roadway at Golf Links Road.
	Applicant:	Matt Yergovich / AT & T Mobility
	Contact Person/Phone Number:	(415)596-3474
	Owner:	City of Oakland
	Case File Number:	CMD11171
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review for macro-telecommunication facilities in a residential zone.
	General Plan:	Hillside Residential & (near) Resource Conservation
	Zoning:	RH-4 & (near) OS (RCA)
	Environmental Determination:	Exempt, Section 15301 of the State of CEQA Guidelines; existing facilities.
	Historic Status:	None
	Service Delivery District:	6
	City Council District:	7
	Status:	pending
	Action to be Taken:	Based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com



2.	Location:	9500 Stearns Avenue (at Bishop O' Dowd high School) (APN 043A-4755-001-16) (9-1-11)
	Proposal:	To install a total of twelve (12 new antenna (8 panel antennas and 4 RRU units, 2 existing antennas to be removed and replaced, and 2 antennas proposed as "future AT &T antennas) located at two separate roof top locations (with new screening parapet walls). The macro-telecommunication facility will include previously existing ground level equipment shelter and new trenched conduit and equipment.
	Applicant:	Matt Yergovich / AT & T Mobility
	Contact Person/Phone Number:	(415)596-3474
	Owner:	Roman Catholic Welfare Corporation
	Case File Number:	CMD11172
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review for macro-telecommunication facilities in a residential zone.
	General Plan:	Institutional
	Zoning:	RD-1
	Environmental Determination:	Exempt, Section 15301 of the State of CEQA Guidelines; existing facilities.
	Historic Status:	None
	Service Delivery District:	6
	City Council District:	7
	Status:	pending
	Action to be Taken:	Based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com

Commissioner Colbruno made a motion to approve, seconded by Commissioner Whales.

Action on the matter: Approved 3 ayes, 1 no (Pattillo), 1 abstention (Zayas-Mart).



PUBLIC HEARINGS

3.	Project Name:	Swan' s Market—Wine Sales/Tasting
	Location:	901-911 Washington Street (APN002-0037-012-00)
	Proposal:	Expand existing Alcoholic Beverage Sales Activity to allow tasting and sales by the glass, 9 am to 9 pm
	Contact Person/Phone Number:	Brendan Eliason (707)235-8554
	Owner:	East Bay Asian Local Development Corporation EBALDC)
	Case File Number:	CM11227
	Planning Permits Required:	Major Conditional Use Permit to expand a 748 square foot existing Alcoholic Beverage Sales Activity (wine bottle sales) in Swan' s Market food court, in Old Oakland, to allow tasting and sales by the glass for Alcoholic Beverages
	General Plan:	Central Business District
	Zoning:	CBD-P Central Business District-Pedestrian Retail Commercial Zoning District, S-7 Preservation Combining Zoning District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303
	Historic Status:	Designated Historic Property, B +a1 + rating, API contributor, Old Oakland Historic District
	Service Delivery District:	Metro
	City Council District:	3
	Commission Action to Be Taken:	Approve Staff Recommendation
	Appeal:	Appealable to City Council within 10 days
	For Further Information:	Contact David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

Staff Member David Valeska gave a presentation.

Applicant: Brendan Eliason answered questions asked by the Planning Commission on why he requested opening time be as early as 9:00 A.M. vs. 11:00 A.M. for wine tasting. Planning Commission recommended that 11:00 A.M. would be an appropriate time to open for wine tasting with the exception of Fridays during Farmer's Market when opening time would be 9:00 A.M.

Speaker: Sandra Coleman.

Commissioner Zayas-Mart expressed her support of this application. Commissioner Colbruno expressed his gratitude to the applicant for doing business in the City of Oakland.

Commissioner Colbruno made a motion to approve, seconded by Commissioner Zayas-Mart, including the opening time of 11:00 A.M. except that opening could be 9:00 A.M. on Farmer's Market Friday.

Action on the matter: Approved 5 ayes, 0 noes.



4. **Location:** 4251 International Boulevard (APN: 033-2153-004-01)
- Proposal:** The proposal includes renovation of an existing gas station and the addition of 1,334 square feet to the existing 1,648 square foot building on site to create a new 2,900 square foot convenience market in conjunction with the continued operation of the automotive service station.
- Applicant:** David J. Elliott & Associates
- Contact Person/Phone Number:** David Elliott / (831)663-1418
- Owner:** DODG Corporation
- Case File Number:** CMD11218
- Planning Permits Required:** Regular Design Review for construction and exterior modifications and Major Conditional Use permit for a Convenience Market.
- General Plan:** Community Commercial
- Zoning:** CC-2, Community Commercial Zone-2
Height/Intensity Area -75
- Environmental Determination:** Exempt, Section 15303 of the State CEQA Guidelines; new construction or conversion of small structures; and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.
- Historic Status:** Not a Potentially Designated Historic Property. Rating: *3
- Service Delivery District:** 5
- City Council District:** 5
- Status:** Pending
- Action to be Taken:** Decision on application
- Finality of Decision:** Appealable to City Council within 10 days
- For Further Information:** Contact case planner **Moe Hackett** at (510) 238-3973 or by email: **mhackett@oaklandnet.com**



5.

Location: Bentley School; 1 Hiller Drive, 245, 251, and 261 Tunnel Road
APN: 048H-7576-001-04, 048H-7576-030-02, 064 -4231-015
through 064 -4231-017

Proposal 1) Approve the final two sections of the Transportation Demand Management (TDM) Program (Condition of Approval #14; Case File CM04-411) for Bentley School including:

- a) A portion of Section A related to a plan for additional onsite parking spaces, and require Bentley School to implement the plan by submitting an application to the City of Berkeley for approval, if necessary, and constructing the additional on-site spaces;
- b) A portion of Section J related to an alternative to the Memorandum of Understanding (MOU) with the Police Department; and

2) Consider the School's proposal to amend the language in the TDM Section A to provide eight (8) onsite parking spaces at the Head Master's House; and the language in Condition of Approval #14 Section D, the TDM and related TDM attachments to revise and clarify the methodology to count all vehicle trips associated with the School's students, faculty, and staff during a one-hour monitoring period in both the morning, from 7:45 am to 8:45 am and in the afternoon from 2:45 pm to 3:45 pm, and that the maximum vehicle trips during these periods are 242 trips; or, alternatively, to schedule another public hearing to discuss staff's interpretation of the existing Condition 14 Section D that the School shall count the total student, faculty and staff vehicle trips and the School's interpretation that the School shall count only the student, faculty, and staff SOV trips.

(This action is associated with the approved Conditional Use Permit to increase the student enrollment from 200 to 360 students; change the school operation hours; and allow for childcare, physical education and extracurricular sports classes; and weekday evening, weekend, and summer events at the school. This proposal also identified the number of on-site faculty. On February 16, 2011 the Planning Commission approved 1) the outstanding TDM items related to additional parking spaces and the alternative to the MO; 2) required the School to construct the additional onsite parking spaces and to report progress on the construction in the TDM; 3) required the School to increase the transit subsidy program and arrange an off-site carpool location due to non-compliance with the vehicle trips; and 4) clarified the timeframes that the Independent Rule Enforcers should count vehicle trips. On February 28, 2011, Bentley School filed an appeal and requested reconsideration of this decision, specifically staff's interpretation of Condition 14, Section D, the timeframes for counting vehicles, and the requirement to construct the additional onsite parking spaces. On June 15, 2011 the Planning Commission granted reconsideration (thus mooted the appeal) and the matter is now returning to the Commission with a different staff recommendation.

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Applicant: Bentley School
Contact Person/Phone Number: Arlene Hogan (510) 843-2512
Owner: Bentley School
Case File Number: A11033 (related to CM04-411; ER07-006; REV10-0003)
General Plan: Hillside Residential
Zoning: RH-3 Hillside Residential Zone 3
Environmental Determination: An Environmental Impact Report was previously certified by the Planning Commission on October 21, 2009. As a separate and independent basis, the project was also found exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15061(b)(3), 15378(a) and/or 15183. No further environmental review is required.
Service Delivery District: II – North Oakland
City Council District: 1
Action to be Taken: Decisions based upon staff recommendations.
Finality of Decision: Appealable to the City Council within 10 days
For Further Information: Contact case planner **Heather Klein** at **510 238-3659** or by e-mail at hklein@oaklandnet.com.

Staff Member Heather Klein gave a presentation.

Commissioner Zayas-Mart raised questions on the hours of operation for the daycare and other various after school programs Bentley School provides, and would like clarity on Bentley School's definition of vendors.

Applicant: Annie Mudge and Arlene Hogan gave a presentation and answered questions asked by the Planning Commission. City Attorney Mark Wald also responded to the questions.

Speakers: Linda Harris, Donna Karch, De Andre Calhoun, William Weber, Kathy Dadachanji, Lynette Francis, Gordon Piper, Rachel Parish, Mauricio Rodriguez, Brenda Harrigan, Cola Xie, Howard Matis, Scott Sillers, Francisco Rodriguez, Gary Jung, Tracey Stinson, Barry Ghanbari, Jim Dexter.



Planning Commission Comments:

Commissioner Whales asked if a Bentley School staff member would explain the student drop off and pick up process for before and after school.

Planning Commission also raised questions concerning the necessity to have nine monitors present during the drop off and pick up times and the possibility of having the number reduced. Are parents allowed to park their vehicle and walk their children into the school and is there a time limit for doing so? Is it possible to record the vehicle traffic flow during the one hour time span for student drop off and pick up? Clarity needed on the meaning of 210 vs. 242 vehicle count allowance. Bentley staff members Bill Loudon and Gary Jung with Staff Member Heather Klein's assistance responded to Commissioner Whales' and the Planning Commission's questions.

Commissioner Zayas-Mart raised the concern of Bentley School returning to the Planning Commission with further changes to the rules they've already approved and doesn't want to set a precedent for future applicants to mimic this pattern. She also raised the question about the safety of walking from the lower eight parking spaces at the Head Master's house to the school and if the school has made any changes to the sidewalk to ensure safety. If the permit process should be handled by the City of Berkeley and they deny the permit, how will the existing permit process proceed with the City of Oakland. She would like to see more collaboration between the neighbors and Bentley School staff to work together on the development process of this proposed project and prefers keeping the multiple public transit options language.

Commissioner Colbruno prefer the 7:30 A.M. student drop off time instead of 7:45 A.M. expressed his support for the 242 cap process and has a better understanding of it.

Vice Chair Huntsman expressed his frustration about the changes requested by Bentley School which makes it very difficult for the Planning Commission to come to a decision when the changes doesn't appear to work together with the neighbor's concerns. He stated that he will support staff's recommendations and will consider an approval vote based on that. The question was raised about the additional eight parking spaces at the Head Master's house requiring approval from the City of Berkeley based on the location of the proposed site is on the Oakland and Berkeley border. He also agrees that Bentley School has met the goals and requirements set forth by the Planning Commission's standards. City Attorney Mark Wald responded to Vice Chair Huntsman's questions and concerns.

Commissioner Zayas-Mart raised the question about the City of Berkeley's permit requirements for the additional eight parking spaces at the Head Master's house which is unknown at this time and should be deferred to the City of Berkeley for further information. Clarity needed on monitoring street parking for parents who park their vehicle and walk their children into the school. Staff Member Heather Klein and City Attorney Mark Wald responded to Commissioner Zayas-Marts questions.



Commissioner Pattillo made a motion to approve the TDM Section A related to the alternative on site parking spaces and that language to add eight parking spaces at the Head Master's house provided that they apply for a permit with the City of Berkeley by May 7th, 2012 (if applicable) for the approval of the additional parking spaces by the Headmaster's House. If the City of Berkeley denies the CUP then the school will have met condition 14a however condition 25 would still be applicable. Approve the TDM Section J related to the alternative to the MOU and accept the school's proposal to amend the language in condition 14 section D, the TDM, with staff's proposed amendments and related TDM attachments to revise and clarify the methodology to count all vehicles trips associated with the schools students, staff and faculty as defined in April and July 2010 during a one hour monitoring period in both the morning from 7:30-8:30am and 2:45-3:45pm and that the maximum vehicle trips during these periods are 242 trips.

Commissioner Whales made a friendly amendment to require six additional parking spaces in the lower lot but this was not accepted.

Seconded by Commissioner Colbruno.

Action on the matter: Approved 4 ayes, 1 no (Whales).

Approval of Minutes

Commissioner Colbruno made a motion to approve the February 1, 2012 minutes, seconded by Commissioner Pattillo.

Action on the matter: Approved 5 ayes, 0 noes.

ADJOURNMENT

Meeting adjourned at approximately 9:47 P.M.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING:

March 21, 2012