



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

April 4, 2012
Regular Meeting

ROLL CALL

Present: Truong, Colbruno, Whales, Zayas-Mart.

Excused: Huntsman, Pattillo.

Staff: Scott Miller Robert Merkamp, Aubrey Rose,
Moe Hackett, Mark Wald, Cheryl Dunaway.

WELCOME BY THE CHAIR

Agenda Discussion

Staff Member Scott Miller announced that all items on the agenda will be heard at tonight 's meeting.

Commission Matters

Staff Member Scott Miller announced Director Eric Angstadt 's departure from the City of Oakland and Scott Miller 's appointment as Interim Director of Planning and Zoning and Robert Merkamp will be Acting Zoning Manager in which he will be responsible for all Planning Commission Matters.

Commissioner Colbruno recommended that we adjourn in memory of the 7 victims who lost their lives in the Oikos University massacre that occurred on April 2, 2012. Commissioner Colbruno also expressed disappointment with the Federal raid on Oaksterdam University which also occurred on April 2, 2012, and the lack of respect for local and state laws which legally permits medical marijuana dispensaries such as Oaksterdam University to

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.



provide their patients with services they need and rely on. He felt that there was no regard for the hard work that the Planning Commission, City Council and the various other Committees that has taken time to set strict policies before approval for Oaksterdam University to open for business in the City of Oakland.

OPEN FORUM

No Speakers

PUBLIC HEARINGS

1a.	Location:	4149 Foothill Boulevard (APN: 033 -2150-006-02)
	Proposal:	To allow an existing full service restaurant "Las Adelitas" serving beer and wine under conditional use permit #CM98123 (approved 1998) to also sell distilled spirits/liquor. The restaurant would maintain its 10:00 pm closing time.
	Applicant/	Mr. Oswal Jimenez
	Phone Number:	(510) 928-2286
	Owner:	Mixtly Inc.
	Case File Number:	CM12016
	Planning Permits Required:	Major Conditional Use Permit with additional findings for a full service restaurant located on a restricted street to change its State ABC license
	General Plan:	Urban Residential
	Zoning:	RU-5 Urban Residential Zone - 5
	Environmental	Exempt, Section 15301 of the State CEQA Guidelines:
	Determination:	Existing Facilities (operations); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic property
	Service Delivery District:	IV
	City Council District:	5
	Status:	This item was discussed at the March 21 meeting and continued to address issues related to noise, hours of operation and security.
	Date Filed:	February 8, 2012
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 calendar days
	For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or arose@oaklandnet.com

Staff Member Aubrey Rose gave a presentation.

Applicant: Oswal Jimenez requested that condition #22 in the staff report pertaining to providing security services onsite with the start time of 5:00 P.M. be modified to start at 8:00 P.M. due to limited funds available.

Speaker: Ron Trujillo.

Planning Commission Questions, Comments and Concerns:

Commissioner Colbruno raised questions about the conditions on the closing time, liquor license, etc. being brought into compliance with state laws.



He expressed to the applicant that he needs to clearly understand the conditions of approval. Inquiry made about any Oakland Police Department (OPD) crime reports or complaints made on this establishment. Staff Member Aubrey Rose responded to the questions Commissioner Colbruno raised.

Chair Truong raised the question of why did the Oakland Police Department (OPD) deny the Alcoholic Beverage Control (ABC) license. She also was concerned about the request for hours of security to begin at 8:00 P.M. versus 5:00 P.M. There was great disappointment expressed due to the applicant hasn't met with Mr. Ron Trujillo who resides in the area to resolve the issues raised during public comments.

She strongly recommended that the applicant meet with Mr. Ron Trujillo and the other neighbors in the area to address and resolve any complaints they may have and that the Planning Commission will conduct a 6 month review to assure that the applicant has met all of the conditions of approval. Staff Member Scott Miller explained when the 6 month period will begin, but that it will not begin as of the date of this meeting. Chair Truong informed Mr. Ron Trujillo that he may contact her directly if he has any further issues or complaints.

Staff Members Aubrey Rose and Scott Miller responded to the Planning Commission's questions, comments and concerns.

Commissioner Colbruno made a motion, seconded by Commissioner Zayas-Mart.

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

1.	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.

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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

Staff Member Maurice Hackett gave a presentation.

Applicant: David Elliot gave a presentation.

Commissioner Colbruno raised the question of will the parking lot area be repaved and is concerned that it may attract various problems to the store if it isn't repaved to make the area look presentable. Applicant David Elliot responded to his question.

Commissioner Zayas-Mart raised the question about removing the curb cuts at one of the entrances and relocate it or does it have to remain where it currently is. Is it possible for the entrance/exits to have better traffic flow with smaller curb cuts, and could they be reduced from 24ft. to 12 ft. at the entrance/exits to ensure pedestrian safety. Applicant David Elliot responded to her question.

Commissioner Whales raised the question about the location of the billboard on site and will it remain at the current location, be relocated or be removed. Applicant David Elliot responded to his question.

Speakers: Bob Bodnar, Judith Ghidinelli, Preston Turner, Maria Sanchez, Reyna Diaz, Ted Adkinson, Michael Ferraro.

Planning Commission Questions, Comments and Concerns:

Commissioner Colbruno read a list of recommendations submitted by Commissioner Pattillo in her absence at tonight's meeting.

COMMISSIONER PATTILLO'S LIST OF RE COMMENDATIONS:

- Plant street trees that are on the City's approved list.
- Do not believe that palm trees are on the list, the photos show sycamores across the street. Sycamore or other broad spreading trees would be fine, the lot has way too much concrete.
- I believe there is room to add one additional tree on International Boulevard and two more on High Street for a total of 5 street trees.
- I would suggest that they plant 1 to 3 trees in the 20 ft. sq. planting area on the corner of International Boulevard and High Street.
- The number will depend on the species if they use the queen palm 3 are possible.



- The plan indicates existing landscaping on the south property line on sheet A 1.2, but I don't see any in the photos or aerial.
- It would be great to add planting here, they show 1 palm and 1 other shrub in the triangular shaped bed west of the existing building kind of sparse planting.
- They have a note stating that they will berm up the planting beds to discourage foot traffic.
- Berms are not very effective and it makes irrigating more difficult.
- I would suggest a 3 ft. high ornamental iron fence through the middle of the bed.
- They list a vine on the plant list, but it is not clear where it will be planted.
- Finally they show 2 trees planted in front of the billboard, not sure why.

Commissioner Colbruno raised the question about the need for alcohol to be sold 24 hours at the establishment and is concerned that there may be various problems associated with the 24 hour alcohol sales. He stated that landscaping, lighting, security, safety, etc. is very important to him and would like to hear comments from his fellow Planning Commissioners. He would like for condition #20 relating to maintenance be added to the conditions of approval. Staff Member Scott Miller responded to his question and recommendation.

Commissioner Whales raised the question of the billboard on site being a part of the Master Sign Program. If not, will the applicant apply for the Master Sign Program, and will the Master Sign Program be used for future signage as well? She also raised the question, could a "Right Turn Only" sign be installed at the High Street exit. Applicant David Elliot responded to her questions.

Applicant, David Elliot addressed some of the public speaker's concerns about pay at pump accessibility, safety and he apologized for offending one of the speakers during his presentation.

Commissioner Zayas-Mart raised the question about who would provide security and how often will they patrol the premises. She raised additional questions about no pay phone permitted on the premises, where is the secondary gate on High Street shown on the plans and how does it open, Will the window glass be installed clear or tented, and does the Green House Building Measure apply to this proposed project? She also supports the list of recommendations submitted by Commissioner Pattillo, encouraged the public speakers that raised concerns at tonight's meeting to report any further issues and concerns directly to the Planning Commission. She supports reduced curb cuts and more landscaping and would like to know if staff consulted with the Public Works Agency staff in the Traffic and Engineering Division about limitations on minimum sizes of curb cuts. Staff Members Scott Miller, Maurice Hackett and applicant David Elliot responded to Commissioner Zayas-Mart's questions and concerns.

Staff Member Scott Miller also explained what he viewed while visiting the site of the proposed project. There may be some limitations on how much the curb cuts can be reduced.



Chair Truong raised the following questions and concerns: Is this an existing 24 hour facility, how will Oakland Police Department (OPD) and safety issues be addressed and improved, what is the process for security patrol when patrolling the area, do they drive by the premises or get out to walk on the premises to ensure that it is safe and secure, how will security be contacted if they are needed on the premises and how long is the response time, how will security cameras versus security patrol deter criminal activity, what are the hours security patrols the area and can they patrol twice an hour instead of once an hour?

Applicant, David Elliot responded to Chair Truong's questions and concerns.

Chair Truong also encouraged the public speakers who raised concerns at tonight's meeting to report any further issues directly to her.

Commissioner Colbruno questioned the quality of the type of asphalt that is proposed to be used on the parking lot area. He recommended that higher quality grade asphalt be used instead of the standard requirement outlined in the staff report.

Commissioner Zayas-Mart made a motion with the condition that staff work with the applicant to upgrade the pavement materials adjacent to the building at access points and at the handicapped parking access lane such as pavers or color concrete, seconded by Commissioner Whales.

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

2.	Location:	1611 2 nd Avenue (corner of Foothill Boulevard) (APN: 020 -0182-002-00)
	Proposal:	To allow a new full service restaurant "Portal Restaurant" to serve beer and wine with meals for on-site consumption. The restaurant contains a dining room and rear patio and would close at 11:00 PM. New signage would replace existing from the previous restaurant.
	Applicant/	Rebecca Amato
	Phone Number:	(510) 420-0210
	Owner:	Yong S. Cho
	Case File Number:	CM12029
	Planning Permits Required:	Major Conditional Use Permit with additional findings for a full service restaurant located within 200-feet of a restricted street to serve alcoholic beverages
	General Plan:	Urban Residential
	Zoning:	CN-2 Neighborhood Commercial Zone - 2
	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:	Non-historic property; survey rating: D3
	Service Delivery District:	III
	City Council District:	3
	Date Filed:	March 8, 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 presentation.

Applicant: Lauren gave a presentation.

Commissioner Colbruno commended the applicant on having healthy food on the menu.

Chair Truong raised the question of were the neighbors properly notified of the proposal to have the patio hours extended past 11:00 P.M. where live music will be played.

Staff Member Scott Miller commented on loud music and alcohol sales which may be an issue which may disturb the neighbors in the area after hours. He encouraged the Planning Commission to review all options before voting.

Planning Commission asked questions concerning the level of noise that will be played.

Commissioner Colbruno made a motion, seconded by Commissioner Zayas-Mart.

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

COMMISSION BUSINESS

Approval of Minutes

March 7, 2012 minutes has been moved to the April 18, 2012 Planning Commission Meeting.

ADJOURNMENT

Meeting adjourned at approximately 8:30 P.M.

SCOTT MILLER

Zoning Manager

Planning and Zoning Division

NEXT REGULAR MEETING: April 18, 2012