



Oakland City Planning Commission

Minutes

Chris Pattillo, Chair
Jim Moore, Vice Chair
Jahaziel Bonilla
Michael Coleman
Jahmese Myres
Adhi Nagraj
Emily Weinstein

June 4, 2014
Regular Meeting

ROLL CALL

Present: Pattillo, Moore, Coleman, Myres, Nagraj, Weinstein.

Excused: Bonilla.

Staff: Rachel Flynn, Scott Miller, Aubrey Rose, Peterson Vollmann, Mike Rivera, Mark Wald, Cheryl Dunaway.

WELCOME BY THE CHAIR

Agenda Discussion

Mr. Miller announced that a request from neighbors for item #5 be continued. He requested that item #5 be heard at tonight's meeting and the Planning Commission may decide to continue or not after the hearing.

Director's Report

Director Flynn thanked the Planning Commission for reading through the West Oakland Specific Plan documents in preparation for next week's Special Planning Commission Meeting to discuss the project. Staff has responded to their comments and look forward to receiving additional comments to ensure they are properly addressed. The West Oakland Specific Plan is the last plan for the Planning Commission to review this summer. The Lake Merritt Specific Plan will be brought before the Planning Commission for approval sometime in September or October. The Planning Commission Retreat is scheduled for July 12, 2014 in which the details of an agenda, location and

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.

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length of the retreat will be discussed further with Chair Pattillo.

Regarding Urban Agriculture, staff arranged a community meeting in August 2011 where attendees expressed concerns about the animal raising for slaughter and no resolution or compromise was reached. Staff was directed to research other cities what the pros and cons for a similar activity. In 2012 staff wrote a report as a result, but due to staff changes there wasn't the ability to pursue this further.

Now that the specific plans are approaching finalization, this is high on the priority list. The Oakland Food Policy has contacted staff and issued a petition called 'Growing Food is a Right, Not a Conditional Privilege'. Staff will research the rights of those who want to create community gardens and also review the worst case scenario such as; abandonment of the garden, rodents, weeds, etc. This was presented to the Rules Committee and staff will be assigned in September to work on developing an ordinance. This may be brought before the Planning Commission before September or at the upcoming Retreat to discuss and receive Planning Commission input.

OPEN FORUM

Speakers: Ada Chan, Esperanza Pallana, Lindsey Lev, Dan Burr, Dante Caio, Yolanda Burrell, Tobias Burton, John Hall, Council Member Rebecca Kaplan.

Chair Pattillo asked Director Flynn when an interim ordinance will be implemented. She also asked if Honey Bees were allowed on a vacant lot.

Director Flynn responded stating that two Planning staff members will be available after Broadway Valdez Specific Plan is approved which may allow them to get started on an interim ordinance in July. Once it's written, it doesn't mean that it will be approved. The City Council will be on recess in August so, September would be more feasible to move this forward. She explained that gardens are allowed as an accessory use on residential property. It's not allowed for commercial enterprise or animal raising for sale.

Chair Pattillo asked Director Flynn if she will have a proposed ordinance to bring before the Planning Commission in September. If, for some reason it isn't ready by September, will you give a status report as to



when you will be ready.

Director Flynn responded stating yes, they will be ready to bring the proposal before the Planning Commission in September. If it isn't ready by then, she will give a status report as to when it will be ready.

Vice Chair Moore asked will the proposal include bees and if bee keeping is allowed on vacant lots.

Mr. Miller explained that bees are currently allowed as an accessory to a single family home for personal use. There should be a principal use on vacant lots before bee keeping is allowed unless an approval for crop and animal raising is granted.

Vice Chair Moore asked if crop raising is allowed on a vacant lot as long as it's not used for sale.

Mr. Miller responded no, not under the current code.

CONSENT CALENDAR

Item #1 moved on consent of the Planning Commission.

Vice Chair Moore made a motion to approve, seconded by Commissioner Coleman.

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



1.

Location:	8818-8820 International Boulevard (APN: 043-4579-011-04)
Proposal:	To install three (3) concealed telecommunication antennas at a site with 24 existing antennas.
Applicant:	Sean Snyder for Sprint
Contact Person/Phone Number:	Sean Snyder (925)727-2610
Owner:	Alexander Preiges & Sally Vosiches
Case File Number:	PLN14092
Planning Permits Required:	Regular Design Review to install three (3) concealed telecommunication antennas. Major Conditional Use Permit for the expansion of a Macro-telecommunication facility within 100 feet of a residential zone.
General Plan:	Neighborhood Center Mixed Use and Detached Unit Residential Detached Unit Residential
Zoning:	RU-5 Urban Residential - 5 RD-1 Detached Unit Residential - 1
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations of existing facilities. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Potential Designated Historic Property (PDHP); Survey Rating: Dc2+
Service Delivery District:	6
City Council District:	7
Status:	Pending
Action to be Taken:	Decision of Application
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Vice Chair Moore made a motion to approve, seconded by Commissioner Coleman.

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

**PUBLIC HEARINGS**

2.	Location:	601 MacArthur Boulevard + 620 Wesley Av + O MacArthur Boulevard (APN: 023 -0427-001-00, 008-03, 002-00)
	Proposal:	To reconsider the Planning Commission's decision to deny an Appeal on March 5, 2014, based on the Appellant's statement that there is new evidence, pursuant to the Rules And Regulations For Procedures Of The Oakland City Planning Commission/Article 8 – Process And Criteria For Reconsideration (Revised March 9, 1994)
	Appellant / Phone Number:	Mr. Michael Gray / East Bay Builders (510) 435-1556
	Case File Number:	A13335 (DET13057)
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-3 Mixed Housing Type Residential Zone (previous: R-70 High Density Residential Zone)
	Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved; Exempt, Section 15321 of the State CEQA Guidelines: Enforcement Actions by Regulatory Agencies
	Historic Status:	Non-historic properties (vacant lots; Potential Designated Historic Property single family home once existed at 601 MacArthur Blvd); 601 MacArthur Blvd and 620 Wesley Av are located in the Haddon Hill Area of Primary Importance
	Service Delivery District:	3
	City Council District:	2
	Date Filed:	March 6, 2014
	Action to be Taken:	Vote to approve or deny the reconsideration request
	Finality of Decision:	<i>Final (non-appealable)</i>
	For Further Information:	Contact case planner Aubrey Rose AICP, Planner II at (510) 238-2071 or arose@oaklandnet.com

Staff Member Aubrey Rose gave a brief presentation.

Appellant: Michael Gray gave an argument on why the reconsideration request should be granted and why the appeal decision should be overturned.

Commissioner Weinstein asked what triggers an expiration of a Zoning or Building permit and were extensions granted. How long were the extensions granted?

Mr. Rose and Mr. Miller responded stating that a Zoning permit usually lasts for 2 years unless extensions were granted in which they were and the permit with extensions expired with this project.

The Zoning permits expired on January 1, 2012, Building permits expired before the Zoning permits did. The applicant is to call for timely inspections within 3 to 6 months for the Building permits to remain active otherwise, they will expire within 180 days. The work that was done was from 2005 through 2009.

Mr. Gray explained that there was no expiration date on the Zoning permits that he received, but later on after he received his permits, an expiration date was issued. He started construction under these same permits and feels that he has done everything necessary to keep the permits active. He also stated that there



is an Extension Resolution passed by the City Council in November 2008 and he started construction a month before the resolution was passed.

Vice Chair Moore asked if the City Council took action to grant an extension on this particular project.

Mr. Miller responded that the City Council didn't pass a resolution specific to this particular project. Since 2008, the City Council offered the ability to request extensions on projects during the economic downturn. The first resolution passed in 2008 at the beginning of the economic downturn when they allowed extensions until December 31, 2011 for those who requested them. This was the first and only extension Mr. Gray and his colleagues requested, not to exceed December 31, 2011. In mid - 2011 City Council granted another extension period for only one year again, by request. This very same extension period was updated each year to be extended for one year which currently covers the calendar year of 2014. Each of those City Council extensions weren't automatically granted, but was at the request of the applicant. Staff also reviewed issues like blight and were to deny any extensions if there was evidence of blight on the property. After Mr. Gray ended construction work in 2009, City of Oakland's contractor entered the property against the property owner's will to fix potential slide and drainage damage that destabilized the very steep hillside, which resulted in \$311,000 worth of work completed. There is currently a \$311,000 lien against the property, a court judgment was ruled against the property owner for that amount and the lien remains on the property.

Mr. Gray explained that he placed a \$250,000 bond on the property which should've covered all costs the repairs done by City of Oakland's contractor, but he alleges that the spare change was used for the City's legal fees. The property was blighted because it wasn't under his care at that time. When the property was in his care, he kept it in good condition. As far as extensions being automatic, he states that one of the City Council members asked Mr. Miller at a December 3rd Committee Meeting about how the extension process was going. He claims that Mr. Miller replied stating that the extensions were automatically granted.

Planning Commission Questions, Comments and Concerns:

The Planning Commission asked if there is a mechanism in place for the applicant to reapply for this Project and is there discretion to go beyond the 26 or 27 units limit. It was stated that the notion of a vested right and the relation this vested has with the expiration of the permits isn't currently the case. What is the significance of the amount of work done on site and on what date did the building permits expire? The photos presented are from 2005 and 2006 so, presumably a fair amount of work was done on site, then the building permit expired a few years later. Some of the Planning Commission just isn't convinced that significant work was done and suggests that the appellant reapply for a new application as if this were a new project. If the developer wants to pursue completion of this project he could build almost as many units as initially approved. There is much agreement with staff on a denial of this appeal. It's very hard to overlook the fact that the building permits were allowed to expire. The down side is the zoning density changed, to build almost as many units as originally approved with half of them being affordable where there will be restricted incomes in which the development will be smaller, there will be some challenges getting to the 26 or 27 units.

Mr. Miller responded stating that the current Zoning codes will allow a significantly less amount of units than initially proposed at 32 units, but through the Affordable Housing provisions, he may be allowed up to 26 or 27 units. There is no discretion that will allow more than 26 or 27 units, although, staff didn't



evaluate this under the State of California's new Affordable Housing guidelines which may allow a few more units.

Mr. Miller explained that Mr. Gray argument is that, because he has done a significant amount of work on the property several years ago, it should be vested indefinitely. Staff's and the City Attorney's position is that he may have had vested rights if he hadn't allowed his building permits to expire. Since the building permits expired, Mr. Gray doesn't have a claim for vested rights.

Mr. Miller responded stating that the permits expired sometime in 2009 or 2010. The City of Oakland hired a contractor to stabilize the hillside in 2010 which resulted in some of the work that was done to be removed or altered.

Commissioner Weinstein made a motion to deny the request for reconsideration, seconded by Commissioner Nagraj.

Action on the matter: Denied 4 ayes, 1 no (Moore), 1 abstention (Myres).

3.	Location:	2964 Broadway (APN's: 009-0702-002-00; & -001-02)
	Proposal:	Proposal to convert the existing auto dealership into a retail sales activity for a CVS store. Proposal also includes alcohol beverage sales and a new drive-through facility at the rear of the building.
	Applicant:	Armstrong Development
Contact Person/Phone Number:		Christian Charbonnet, (310) 876-4498
	Owner:	Hagstrom Properties LLC
	Case File Number:	PLN14012
Planning Permits Required:		Regular Design Review for exterior modifications to an existing building in conjunction with a Major Conditional use permit for a new Drive-Through Facility and a Major Conditional Use permit for Alcohol Beverage Sales.
	General Plan:	Community Commercial
	Zoning:	CC-2, Community Commercial Zone -2
Environmental Determination:		D-BR, Broadway Retail Frontage District Interim Combining Zone
		Exempt, Sections 15301 & 15332 of the State CEQA Guidelines; existing facilities & in-fill development projects; and
		Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.
	Historic Status:	Potentially Designated Historic Property (PDHP); Rating: B-2+ (Firestone Tire Service Center – ASI Anchor)
Service Delivery District:		2
City Council District:		1
	Status:	Pending
	Action to be Taken:	Decision on application based on Staff Report
	Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:		Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@oaklandnet.com .

Staff Member Peterson Vollmann gave a presentation.

Chair Pattillo asked who is the landscape architect working on this project and is it a local company.



Mr. Vollmann responded stating the landscape architect is Architectural Dimensions Group located in Frank H. Ogawa Plaza.

Speaker: Tao Matthews.

Planning Commission Questions, Comments and Concerns:

The Planning Commission has concerns about the lack of treatment on the wall on 29th Street which makes it look barren and would like to know if there a way to treat that perspective to enhance it more. This project is on the heels of the Broadway Valdez conversations stating that this area is prime for retail investment and should promote good designs and architecture. The wall could be painted, whether it's a mural or a few lines of color, but they are delighted with the rest of the project proposal. Another suggestion was made that pilasters be added to the side of the wall to be consistent with the others. Clarification is needed on if the drive through is only used for the Pharmacy and will a new owner have to get a conditional use permit for the drive through. It was also suggested that an architectural treatment of the wall be done such as; paint or tile at the base, but not faux pilasters. It's better to use some of the architectural elements on the Broadway façade and wrap horizontal lines. Four new trees could be added in the parking lot and please do not plant any pyrus calleryana. There is a reference to a lawn, but there is no lawn showing in the plans. They are very pleased to see this land reused and would like for the applicant to add a small plaque that identifies what this building was historically.

Mr. Vollmann stated that the Grocery Outlet parking lot separates the properties, but treatment of the wall could be included in the conditions of approval.

Mr. Vollmann responded stating yes, a new owner would have to apply for a conditional use permit to use the drive through for a different use.

Commissioner Weinstein asked Chair Pattillo if the 4 trees she wants planted will be along the wall or in the parking lot.

Chair Pattillo replied that she would like them planted in the parking lot.

Mr. Vollmann asked if the pyrus calleryana trees that Chair Pattillo doesn't want planted are located on the property and not the street trees.

Chair Pattillo responded yes, although they are on the City's street tree list, she prefer if they are not used for this project.

Commissioner Nagraj made a motion to approve with additional conditions to incorporate additional architectural elements on the southern elevation of the building, incorporate an additional 3 or 4 trees on the southern side of the property, affix a plaque commemorating the history of the building and find a substitute for the pyrus calleryana tree, seconded by Vice Chair Moore.

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



Mr. Conk responded that it's currently 42 feet.



Speakers: Robyn White, Karen Whitney, Emily Gerber.

Planning Commission Comments, Questions and Concerns:

The Planning Commission requested that the plans be numbered for clarity. Are there two different options of the 2 elevations shown on page 3? Is the version showing 5 large storefront windows, the one that face towards the parking lot? Why aren't the windows centered around the door? There was also a request for an architectural colored set of plans be included in the Planning Commission packet to better review them and to provide clarity. There are inquiries about the finishes particularly, the stucco over stone and how it would read. The black and white set of plans makes it look a little forced and should be reviewed. The color of the signage should be consistent with the neighborhood's approval and the color of the Richmond store signage is considerable. Are there other versions of the corporate logo that can be considered? In the staff report, it states that grates will be added, but there is reluctance to have them included due to infringement on the trees. The assumption is that the reduction of the pylon sign to 20 feet will be one of the conditions of approval. The elevations shown in the PowerPoint presentation has amazing colors and a very high area over the center part, but this isn't what shows in the Planning Commission packet. The colors differ from the ones shown at tonight's meeting than the ones in the Planning Commission packet and there is reluctance to vote for an approval without staff having a serious conversation with the applicants about the colors. There were inquiries about how many bicycle racks will be provided and will there be recycling bins outside? The applicant stated that there will be 13 employees and half will work fulltime hours, the staff report on page 4 stated that there will be 5 staff members and 1 security officer during the day shift and 3 staff members and 1 security officer on the evening shift, and would like to know how those discrepancies match up on what the actual configuration will be. At the community meetings that took place, the applicant committed to hire a local company to provide 24 hour security, and all of the Planet Fitness locations hire locally. The Laurel District Association B.I.D. would really like a commitment to having 24 hour security. There is also a recommendation to include local hiring in the conditions of approval.

The Planning Commission stated that there are several items recommended, but is unclear if this is the condition they will approve, is it this plan or the recommendation. The applicant is supposed to present a plan that shows the parking recommendations, can staff approve the parking recommendations? It is the understanding that the entire sign program, color of the buildings and the stucco sample will be treated in this manner, as a submittal to staff. If so, the Planning Commission will not be approving a particular sign design, colors or the stucco finish, but give directions to staff on other matters in terms of how this should be viewed. They would also capture the additional windows on MacArthur Boulevard which isn't shown in the Planning Commission's packet. Has this already been negotiated and approved? If we wanted to make sure the level of finishes are high quality such as; stucco over existing rock, staff is inclined to review at that time? This project falls in the center of the Laurel district between the arches, though it's not a grocer, this will benefit the other businesses. There has been a lot of work done to attract new businesses to fill some vacant store fronts and this will benefit existing businesses like Laurel Hardware and attract more people to the district. In viewing the letter from Laurel District Association B.I.D. most of their concerns were addressed. There is one concern from the letter that request to make the inclusion of a public serving enterprise on this site be a condition of approval. Have the other concerns from the Laurel District Association B.I.D. been addressed? They would like to add 4 to 8 canopy trees to the center of the parking lot as a condition of approval. The Planning Commission is in agreement with the finish and color of the buildings being approved at staff's level. On sheet A 1.1, the men's entry elevation looks very outdated.



Mr. Rose responded stating, the upper elevation is the original proposal for adding windows to the Mac Arthur Boulevard facing façade, which has been revised to have windows all along not in one section. The lower elevation is the front of the building with proposed changes facing into the parking lot.

Mr. Kowalski responded stating that it's based on the layout of the club. This is the way the interior was laid out so they can have some of the amenities to the right and retain the nice flow to the club. Most of the windows are existing ones and will be replaced with new windows.

M. Rose replied stating the Bureau of Planning has commercial design guidelines that discourage or prohibit the stone or rock exterior that's been in place since the mid 1960's. The proposal to add stucco is supported with the condition that material samples are provided to staff. The signage will be Plant Fitness' corporate colors and the conditions of approval stipulates the background on the tall pylon sign be reversed from what was proposed so that the darker color will make up the background and the lighter yellow color makes up the letters, which is opposite of what was proposed to be consistent with the department's commercial design guidelines.

Applicant stated that the logo will remain the same, but they can change the background if preferred by instruction of the Planning Commission.

Applicant stated that they redesigned the front to have the pop up to make it more aesthetically appealing. They are also willing to work with staff on the colors.

Mr. Rose responded stating that the 24 hour security is a part of the proposal and will be memorialized by conditions of approval. To hire local company to provide 24 hour security isn't a condition of approval and defers to the applicant to address that question. The 5 employees stated in the report were indicated to the department, but if Planet Fitness states that it's 13 employees, please rely on that. He still has to review the plans for trash and recycling bins, but bicycle racks are proposed as required by the Planning code.

Applicant also responded stating that there will be 2 to 3 bicycle racks, indoor and outdoor recycling and trash cans which are located at all of their clubs. They will be hiring a local company to provide security services which is more effective. They will have approximately 13 to 15 employees, but doesn't see the need to have security personnel during the day when they are fully staffed so, security will be provided in the evening hours. There must've been a misunderstanding when they proposed providing security. They will provide the same type of security coverage as they do in Richmond where at 5:00 or 6:00 P.M. security personnel will there until about 6:00 or 7:00 A.M. They are willing to work with the Planning Commission on what they feel is appropriate. If they began to have problems in the middle of the day, they will revisit having security personnel on the premises earlier.

Mr. Rose responded stating that is staff's request that the sign design, colors of the buildings and stucco finish all be approved by them and not be brought before the Planning Commission. The revised site plan with enhanced landscaping has already been submitted by the applicant. The additional windows on MacArthur Boulevard has already been approved. The elevation on the 2nd proposal with enhanced glazing is what is being requested for approval.

Mr. Miller informed the Planning Commission that condition #42 pertaining to Compliance Hearing has a typo. The reference to alcohol on the second line of that condition is incorrect. Staff will revise this condition and remove the reference to alcohol since there is no alcohol at this location.



Mr. Rose responded stating that this refers to a café. It was suggested that an inclusion of a public serving enterprise be located on this site, but staff doesn't suggest this. Yes, most of their concerns have been addressed.

Applicant responded stating that the men's and women's entry elevation has gear wallpaper of their logo which is a finish that goes around the inside of the walk through.

Vice Chair Moore made a motion to approve with the conditions of adding 4 to 8 trees to the center of the parking lot, seconded by Commissioner Coleman.

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

5.	Location:	5107, 5117, 5125, 5151 and 5175 Broadway (APN: 014-1241-009-00, 008-00, 006-01 and 005-01)
	Proposal:	To construct a 5-story, 174,608 square feet mixed-use senior housing development consisting of 127 residential dwelling units, 7,743 square feet of commercial space, and an underground garage with 106 parking spaces.
	Applicant:	Chad Lorentz/Urbal Architecture
	Phone Number:	(206) 257-0972
	Owner:	Merrill Gardens at Rockridge, LLC
	Case File Number:	DR13320/T1300078
	Planning Permits Required:	1) Major Conditional Use Permit for residential care activity in the CC-2 Commercial Zone; 2) Minor Conditional Use Permit to reduce parking up to seventy-five percent (75%) for senior housing; 3) Regular Design Review for new construction; and 4) Tree Protection Permit to remove seven (7) street trees within the City's Right-of-Way along Broadway, Coronado Avenue and 51 st Street.
	General Plan:	Community Commercial
	Zoning:	CC-2 Community Commercial Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning.
	Historic Status:	5107 Broadway: Potential Designated Historic Property (PDHP)/Survey Rating: C3; 5117, 5125, & 5151 Broadway: Not a Potential Designated Historic Property/ Survey Rating: X; and 5175 Broadway: Vacant Site.
	Service Delivery District:	2
	City Council District:	1
	Date Filed:	November 13, 2013 (revised plans submitted on April 28, 2014)
	Action to be Taken:	Decision by the Planning Commission based on staff report
	Finality of Decision:	Appealable to City Council within 10 calendar days
	For Further Information:	Contact Case Planner: Mike Rivera at (510) 238-6417, or by email at mriviera@oaklandnet.com ,

Mr. Miller reiterated that the applicant requested to hold this hearing and several neighbors also requested to have this item continued. The Planning Commission decided to have the hearing and decide after the hearing if a continuance should be granted.

Staff Member Mike Rivera gave a presentation.



Commissioner Coleman inquired on if the 2 way part of Coronado Street will allow parking.

Mr. Rivera responded stating that there may 2 parking spaces in front of the new building on the south side of Coronado Avenue across from Wendy's.

Vice Chair Moore asked is the driveway for Wendy's a public alley?

Mr. Miller replied stating that the Wendy's driveway is immediately next to the public alley.

Applicant: Ryan Leong requested a continuance to the date certain of June 18, 2014, although they would appreciate hearing the project tonight before the vote. Chad Lorentz gave a PowerPoint presentation.

Commissioner Weinstein stated since the applicants will be negotiating certain details with the neighbors over the next couple of weeks, why shouldn't we hear the full public hearing at that time because some of the concerns at tonight's meeting maybe resolved by the time this item is heard.

Mr. Miller responded stating that if it's the Planning Commission choice, the request is to allow for the applicant to present the project to you directly and allow the public speakers present at tonight's meeting to express their concerns, which could be included in the negotiations with the applicants. This will also allow the Planning Commission to express concerns or recommendations that could also be included in the negotiations with the neighbors.

Vice Chair Moore stated that the attendees should be allowed to speak at tonight's meeting and reminded the public that they are also welcome to speak at the June 18, 2014 Planning Commission Meeting.

Commissioner Coleman asked what type of people you expect to attract to utilize the outdoor space. Will you provide public guest parking? On page 8 it references designated van usage of the driveway. Is the driveway also for the public to pick up and drop off seniors? There is great concern about security, will security cameras be installed on the premises and where, particularly at the recessed garage door where seniors may be at risk.

Mr. Lorentz replied stating that this is independent seniors with low level assistance with medication, bathing, etc. This is not a nursing home, but in fact a facility for active seniors. There will be guest parking provided. Yes, the driveway is also for public use. There will be security cameras installed throughout the site and at the recessed garage door especially, since this facility will be run 24 hours. They plan to landscape that entire area which is currently paved.

Vice Chair Moore welcomes street improvements whether Safeway or Merrill Gardens develops first particularly, on Coronado Avenue which is currently not safe to cross. Will improvements be made to the area at the corner of 51st Street and Broadway if Merrill Gardens developed before Safeway? Will Merrill Gardens relocate, restore or re-energize the old Children's Hospital sign?



Mr. Leong responded yes, they will develop the closed right turn lane and bulb out. Staff recommended that the Children's Hospital sign be restored. They are willing to explore the final sign detail that the Planning Commission, public or how Children's Hospital would like done.

Commissioner Nagraj asked about driving westbound on 51st Street while entering the gated parking garage off of 51st Street, it may cause traffic back log.

Mr. Lorentz responded stating that the first garage door will remain open during business hours. The internal parking garage for residential parking, there is no concern to queue that garage door due to low trip generation of seniors.

Speakers: Janis Brewer, Larry Mayers, Carole Trent, Katie Biar, Kate Lucas, Dona Turner, Jonathan Wexler, Karen Hester, John Gatewood.

Planning Commission Questions, Comments and Concerns:

The Planning Commission asked Mr. Miller to explain their options for continuing this item. The neighbors and applicants were asked if they will be ready for this item to be heard by the June 18, 2014 Planning Commission Meeting. The Planning Commission inquired if they can make a provisional approval, pending the upcoming meeting between the neighbors and developer reaching a compromise and avoid another hearing. Some Planning Commissioners were not convinced that another hearing is necessary due to the commitment made between the neighbors and developers to reach a compromise by next week. Some of the Planning Commissioner concur with Mr. Miller. There are enough changes and issues that have been raised to where it's unknown what the consensus will be and wouldn't feel comfortable approving a project that may have significant changes. The public would want the Planning Commission to be confident in what they approve. They don't want to hamper the negotiations between the neighbors and developers as if one side has leverage over the other. The timespan given for this to be ready by the June 18 meeting, the onus is on the neighbors to meet with the developers to relay exactly what they want from them. The possible changes are significant enough so that a decision shouldn't be made until the June 18th Planning Commission meeting.

Mr. Miller explained to the Planning Commission that a motion to continue this item to the date certain of June 18, 2014 is needed. There is still room on the June 18th agenda with only one other large item on it, the Crematorium proposal and will be held in the City Council Chambers. If this item is continued, the Planning Commission may continue it to be the first item on the June 18th agenda. The Planning Commission packets will have to be delivered by June 13, 2014. Since the meeting with the applicants and neighbors is scheduled for next week, he encourages that Staff Member Mike Rivera be invited to attend so he can be directly involved.

Mr. Leong stated that he will make himself available to be ready at the June 18th Planning Commission meeting.

Mr. Miller explained that minor details such as; traffic movements, cut through issues, emissions from food preparation, etc. may trigger some changes and should be heard hopefully in a written report that will be included before the June 13th packet delivery date.



Commissioner Coleman made a motion to continue this item to the date certain of June 18, 2014, seconded by Vice Chair Moore.

Action on the matter: Item continued until the date certain of June 18, 2014, 6 ayes, 0 noes.

Approval of Minutes

Commissioner Coleman made a motion to approve the May 7, 2014 Planning Commission Meeting minutes, seconded by Vice Chair Moore.

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

Chair Pattillo asked for an explanation of the recusal process. The documents in writing differs from the current practice.

Mr. Miller stated that there are a few items of the 1994 Rules of Procedure that have since been updated, including the recusal information.

ADJOURNMENT

Meeting adjourned at approximately 8:45 P.M.

SCOTT MILLER
Zoning Manager
Bureau of Planning

NEXT MEETING: June 11, 2014