



*Doug Boxer, Chair  
Vien Truong, Vice Chair  
Michael Colbruno  
Sandra E. Gálvez  
Vince Gibbs  
C. Blake Huntsman  
Madeleine Zayas-Mart*

**January 12, 2011**  
**Regular Meeting**

**MEAL GATHERING**      **5:15 P.M.**

**Saigon Restaurant, 326 Frank Ogawa Plaza, Oakland**

Open to the public (Members of the public may purchase their own meals if desired. Consumption of food is not required to attend.)

**BUSINESS MEETING**      **6:00 P.M.**

**Hearing Room 1, City Hall, One Frank H. Ogawa Plaza**

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director's Report, should fill out a speaker card and give it to the Secretary "*Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda*". Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes.


The order of items will be determined under "Agenda Discussion" at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after **10:15 p.m.**, and the meeting will adjourn no later than **10:30 p.m.** unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

Please check with the Planning Department prior to the meeting regarding items that may be continued. Any agenda item may be continued, without the hearing on the matter being opened or public testimony taken, at the discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.

**Staff reports for items listed on this agenda will be available by 3:00 p.m. the Friday before the meeting**, to any interested party, at the Community and Economic Development Agency, Planning and Zoning Division, 250 Frank

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***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.



**New web-site staff report  
download instructions**

H. Ogawa Plaza, Oakland, California 94612. **Reports are also available at the Strategic Planning Division on the 3<sup>rd</sup> floor (Suite 3315), which closes at 5:00 p.m.**

Staff reports are also available on-line, by 3:00 p.m. the Friday before the meeting, at [www.oaklandnet.com](http://www.oaklandnet.com). Select the "Government" tab, scroll down and click on "Planning & Zoning" (under CEDA), click on "visit the Boards and Commissions page" under "Planning Commission". You will need to ensure that your computer will accept pop-ups from the host site (oaklandnet.com) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please call **510-238-3941**.

If you challenge a Commission decision in court, you will be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure Section 1094.6, unless a shorter period applies.

Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.

While attending Planning Commission Meetings, parking in the Clay Street Garage is free. Attendees should see staff at the meeting for validation of parking tickets.

Applicants or members of the public that plan power point presentations: Please contact Cheryl Dunaway at [cdunaway@oaklandnet.com](mailto:cdunaway@oaklandnet.com) or 510-238-2912 or Gwen Brown at [gbrown@oaklandnet.com](mailto:gbrown@oaklandnet.com) or 510-238-6194 at least 48 hours prior to the meeting.

***ROLL CALL***

***WELCOME BY THE CHAIR***

***COMMISSION BUSINESS***

**Agenda Discussion**

**Director's Report**

**Committee Reports**

**Commission Matters**

**City Attorney's Report**





**OPEN FORUM**

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

**CONSENT CALENDAR**

The Commission will take a single roll call vote on all of the items listed below in this section. The vote will be on approval of the staff report in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

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| 1. | <b>Location:</b>                     | <b>10950 International Boulevard</b>   |
|    | <b>Assessors Parcel Numbers:</b>     | <b>(047 -5596-004-01)</b>  |
|    |                                      | Request for a Major Conditional Use Permit for a co-location of a new unmanned wireless telecommunication facility (macro) and   |
|    | <b>Proposal:</b>                     | Regular Design Review to install (6) panel antennas mounted along the exterior of the Durant Square Water Tower with three (3) equipment cabinets located inside an existing lease area.   |
|    | <b>Applicant:</b>                    | T-Mobile West Corporation  |
|    | <b>Contact Person/ Phone Number:</b> | Ana Gomez-Abarca<br>(415) 990-5384   |
|    | <b>Owner:</b>                        | Signature at Durant Square, LLC  |
|    | <b>Case File Number:</b>             | <b>CMD10-050</b>   |
|    | <b>Planning Permits Required:</b>    | Conditional Use Permit to install a new wireless telecommunication macro facility and Regular Design Review to install (6) panel antennas and a new enclosed 11'-6"x20' equipment shelter cabinet at the ground floor along the "Durant Square Water Tower". |
|    | <b>General Plan:</b>                 | Community Commercial   |
|    | <b>Zoning:</b>                       | C-40 Community Thoroughfare Commercial Zone  |
|    | <b>Environmental Determination:</b>  | Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures, 15301 existing facilities; 15183 Projects consistent with the General Plan or Zoning.  |
|    | <b>Historic Status:</b>              | Not Potential Designated Historic Property (PDHP); Survey rating: X  |
|    | <b>Service Delivery District:</b>    | 6  |
|    | <b>City Council District:</b>        | VII  |
|    | <b>Date Filed:</b>                   | 2/23/10  |
|    | <b>Finality of Decision:</b>         | Appealable to City Council within 10 days  |
|    | <b>For Further Information:</b>      | Contact case planner <b>Jose M. Herrera-Preza</b> at <b>(510) 238-3808</b> or <a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a>   |



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| <b>Location:</b>                    | <b>611 E. 20<sup>th</sup> Street</b>   |
| <b>Assessor's Parcel Number:</b>    | <b>021 -0274-001-00</b>  |
| <b>Proposal:</b>                    | To convert a Mini wireless telecommunications facility into a Macro facility by installing 7 new antennas at a rooftop facility containing 9 antennas on a 4-story apartment building.   |
| <b>Applicant/</b>                   | <b>Michelle Weller/Cortell LLC</b>   |
| <b>Phone Number:</b>                | <b>(925) 997-1312</b>  |
| <b>Owner:</b>                       | <b>Miller-Ravetti Co.</b>  |
| <b>Case File Number:</b>            | <b>CMD10-202</b>   |
| <b>Planning Permits Required:</b>   | Major Conditional Use Permit with additional findings for a Macro facility in a residential zone (OMC Sec. 17.22.080(B), 17.128.070(C), 17.134.020(A)(2)(i)); Regular Design Review with additional findings for a Macro facility (OMC Sec. 17.22.040, 17.128.080(B), 17.136.040(A)(10)) |
| <b>General Plan:</b>                | <b>Mixed Housing Type Residential</b>  |
| <b>Zoning:</b>                      | <b>R-40 Garden Apartment Residential Zone</b>  |
| <b>Environmental Determination:</b> | Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities;<br>Section 15183 of the State CEQA Guidelines: Project consistent with a Community Plan, General Plan or Zoning   |
| <b>Historic Status:</b>             | <b>Non-Historic Property; Survey rating: D3 (minor importance)</b>   |
| <b>Service Delivery District:</b>   | <b>III – Eastlake/San Antonio</b>  |
| <b>City Council District:</b>       | <b>2 – Kernighan</b>   |
| <b>Date Filed:</b>                  | <b>July 22, 2010</b>   |
| <b>Action to be Taken:</b>          | <b>Decision based on staff report</b>  |
| <b>Finality of Decision:</b>        | <b>Appealable to City Council within 10 days</b>   |
| <b>For Further Information:</b>     | <b>Contact case planner <b>Aubrey Rose, Planner II</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a></b>   |

## PUBLIC HEARINGS

The hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the public hearing.

The Commission will then vote on the matter based on the staff report and recommendation. If the Commission does not follow the staff recommendation and no alternate findings have been prepared, then the vote on the matter will be considered a “straw” vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

If you wish to be notified on the decision of an agenda item, please indicate the case number and submit a self-addressed stamped envelope, for each case.



announcement of the Planning Commission decision and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so will preclude you from raising such issues during your appeal and/or in court.

Any party seeking to challenge a final decision in court must do so within ninety (90) days of the date of the announcement of a final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

Interested parties are encouraged to submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item. To allow for distribution to the Commission, staff, and the public, 25 copies of all material should be submitted. Material submitted at least ten days prior to the meeting may be included as part of the agenda packet; material submitted later will be distributed at or prior to the meeting. To ensure that material is distributed to Commissioners, it should be received by the Commission.

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| 3. | <p><b>Location:</b> 211 Foothill Boulevard Suite B (APN: 020 -0180-001-00)</p> <p><b>Proposal:</b> To allow an existing full-service restaurant ("Rockin' Crawfish") with an 11:00 pm closing time to serve beer. The restaurant features a 620 square-foot dining room with a capacity of 65 persons and the site contains approx. 14 shared parking spaces.</p> <p><b>Applicant/Phone Number:</b> Kin Wong (510) 697-3888</p> <p><b>Owner:</b> Hoang Ngoc Le</p> <p><b>Case File Number:</b> CM10-301</p> <p><b>Planning Permits Required:</b> Major Conditional Use Permit with additional findings to allow sale of alcoholic beverages at a full-service restaurant located on a restricted street (OMC Sec. 17.38.040(C), 17.38.070, 17.102.210(B)(2), 17.134.020(A)(2)(a)(viii))</p> <p><b>General Plan:</b> Urban Residential</p> <p><b>Zoning:</b> C-20 Shopping Center Commercial Zone</p> <p><b>Environmental Determination:</b> Exempt, Section 15301 of the State CEQA Guidelines:<br/>Existing Facilities;<br/>Section 15183 of the State CEQA Guidelines:<br/>Projects Consistent with a Community Plan, General Plan, or Zoning</p> <p><b>Historic Status:</b> Non-Historic Property; Survey rating: Fd3 (post-1945 or modernized, potentially minor importance)</p> <p><b>Service Delivery District:</b> III – Central/Chinatown/Lower Hills</p> <p><b>City Council District:</b> 2 – Kernighan</p> <p><b>Date Filed:</b> November 19, 2010</p> <p><b>Action to be Taken:</b> Decision based on staff report</p> <p><b>Finality of Decision:</b> Appealable to City Council within 10 days</p> <p><b>For Further Information:</b> Contact case planner <b>Aubrey Rose, Planner II</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a></p> |
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4.                   **Location:**   **460-464 8<sup>th</sup> Street (APN 001-0201-007-00)**  
                      **Proposal:**   Expand existing Alcoholic Beverage Sales Activity, provide outdoor seating replacing 3 parking spaces  
**Contact Person/Phone Number:**   Trappist Belgian Bier Café, LLC, (925)988-0841  
                      **Owner:**       PSAI Old Oakland Associates LLC  
                      **Case File Number:**   **CMD10-265**  
                      **Planning Permits Required:**   Major Conditional Use Permit to expand a 748 square foot existing Alcoholic Beverage Sales Activity (bar) into 650 square feet of the adjacent building space; provide 400 square foot outdoor seating on paved area currently providing 3 parking spaces adjacent to Old Oakland parking lot; with Findings of Public Convenience and Necessity for proximity of Alcoholic Beverage Sales Activities pursuant to Section 17.102.210 of Oakland Planning Code); Regular Design Review for outdoor cafe  
  
                      **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, A1+ rating, API contributor, highest importance, Old Oakland Historic District  
  
                      **Service Delivery District:**   Metro  
                      **City Council District:**   3  
                      **Finality of Decision:**   Appealable to City Council within 10 days  
                      **For Further Information:**   Contact **David Valeska** at **(510) 238-2075** or [dvaleska@oaklandnet.com](mailto:dvaleska@oaklandnet.com)

5.                   **Location:**   From 23<sup>rd</sup> St. in the south, Highway 580 in the north, Webster St. and lots on or near Broadway in the west, and Brook St., portions of Valdez St., 27<sup>th</sup> St., and Harrison St. in the east.  
  
                      **Proposal:**   To extend the Broadway Retail Frontage Interim Combining Zone regulations in Chapter 17.101C until February 15, 2013 or until final adoption of the Broadway Retail frontage specific plan, whichever comes first.  
  
                      **Applicant:**   Planning Commission  
                      **Case File Number:**   **ZT10300**  
**Planning Permits Required:**   Text Amendments  
                      **General Plan:**   Community Commercial, Urban Residential, and Mixed Housing Type  
                      **Zoning:**       D-BR (combined with various base zones)  
**Environmental Determination:**   CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning."  
  
                      **Service Delivery District:**   2  
                      **City Council District:**   2  
                      **Action to be Taken:**   Recommendation by the Planning Commission  
                      **Finality of Decision:**   Final Approval by the City Council  
                      **For Further Information:**   Contact case planner **Ed Manasse** at **(510) 238-7733** or by email: [emanasse@oaklandnet.com](mailto:emanasse@oaklandnet.com)



***APPEALS***

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following testimony, the Commission will vote on the report prepared by staff. If the Commission reverses/overtakes the staff decision and no alternate findings have been prepared, then the vote on the matter will be considered a “straw” vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

***COMMISSION BUSINESS***

**Approval of Minutes:** September 15, October 6, November 3, December 1, 2010

**Correspondence**

**City Council Actions**

***OPEN FORUM***

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

**ADJOURNMENT** By **10:30 P.M.** unless a later time is agreed upon by a majority of Commissioners present.

**SCOTT MILLER  
Zoning Manager  
Planning and Zoning Division**

***NEXT REGULAR MEETING:*** January 19, 2011