Oakland City Planning Commission REVISED* AGENDA

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

February 2, 2011
Regular Meeting

Revised 1-27-11* (See end of Agenda)

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

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 devise, 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.

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

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

New web-site staff report download instructions

Staff reports are also available on-line, by 3:00 p.m. the Friday before the meeting, at **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 Section1094.6, 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 or 510-238-2912 or Gwen Brown at 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 Informational report to provide an overview of the Association of Bay Area Government's and Metropolitan Transportation Commission's process for development of the Sustainable Communities Strategy (SCS) pursuant to Senate Bill 375 and its relationship to local land use policies, implementation needs and quality of life, including key policy considerations for the City of Oakland.

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.

1.	**Location:**	**8818-8820 International Boulevard (APN: 043-4579-011-04)**
	Proposal:	To install three (3) telecommunication antennas, six (6) RRU's, and two enclosed equipment cabinets at a site with existing antennas.
	Applicant:	AT&T c/o Jonathan Fong of the Lyle Company
	Contact Person/Phone Number:	Jonathan Fong (916) 868-6673
	Owner:	Alex and Marcus Preiger
	Case File Number:	**CMD10-276**
	Planning Permits Required:	Regular Design Review to install three (3) telecommunication antennas, six (6) RRU's, and two enclosed equipment cabinets at a site with existing 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
	Zoning:	C-40 Community Thoroughfare Commercial Zone S-4 Design Review Combining Zone R-30 One-Family Residential Zone
	Environmental Determination:	Exempt, Section 15301 and 15183 of the State CEQA Guidelines, minor alterations to an existing facility and projects consistent with a community plan, general plan or zoning.
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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**

2. **Location:**	**4601 Shattuck Avenue (APN: 013-1160-005-00)**
Proposal:	To collocate 2 new internet "dish" antennas on an existing steel frame structure located on the roof of a 68 feet high commercial building.
Applicant/Contact Person:	Cortel, LLC-Clearwire, Michelle Weller
Phone Number:	(925) 997-1312
Owner:	Storquest Self Storage
Case File Number:	**CMD10-281**
Planning Permits Required:	Major Conditional Use Permit to install a Macro telecommunication facility within 100 feet of the boundary of a residential zone; and Regular Design Review for new wireless antennas
General Plan:	Neighborhood Center
Zoning:	R-50 Medium Density Residential Zone; and C-28 Commercial Shopping District Zone
Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (additions to existing structures); 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: C3, Secondary Importance
Service Delivery District:	2
City Council District:	1
Date Filed:	11/04/10 *(revisions submitted 01/07/11)*
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 **Mike Rivera,** at **(510) 238-6417** or by email at mrivera@oaklandnet.com

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.

Planning Commission decisions that involve "major" cases (i.e., major variances, major conditional use permits) are usually appealable to the City Council. Such appeals must be filed within ten (10) calendar days of the date of the 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.

3.	**Location:**	**211 Foothill Boulevard Suite B**
	Assessor's Parcel Number:	**020 -0180-001-00**
	Proposal:	To allow an existing full-service restaurant ("Rockin' Crawfish") with an 11:00 pm closing time to serve beer and sake. The restaurant features a 620 square-feet dining room with a capacity of approx. 65 persons and 4 dedicated parking spaces. **The Planning Commission heard this item on January 12, 2011 and continued it to this date to allow staff time to collect additional information and to provide opportunity for the applicant to be in attendance**
	Applicant/Phone Number:	Kin Wong (510) 697-3888
	Owner:	Wan K. Chow
	Case File Number:	**CM10-301**
	Planning Permits Required:	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©, 17.38.070, 17.102.210(B)(2), 17.134.020(A)(2)(a)(viii))
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General Plan:	Urban Residential
Zoning:	C-20 Shopping Center Commercial Zone
Environmental Determination:	Exempt, 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:	Non-Historic Property; Survey rating: Fd3 (post-1945 or modernized, potentially minor importance)
Service Delivery District:	III
City Council District:	2 – Kernighan
Date Filed:	November 19, 2010
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, Planner II** at **(510) 238-2071** or arose@oaklandnet.com

4. **Location:**	**1741 Telegraph Avenue (APN 008-0641-001-00)**
Proposal:	Establish Alcoholic Beverage Sales Activity
Contact Person/Phone Number:	Charles Blank, Updog Bar (415) 271-4860
Owner:	Bay Area Legal Aid
Case File Number:	**CMD10-292**
Planning Permits Required:	Major Conditional Use Permit to establish a 6,744 Alcoholic Beverage Sales Activity (bar) into 25,991 square foot building with Findings of Public Convenience and Necessity for proximity of Alcoholic Beverage Sales Activities pursuant to Section 17.102.210 of Oakland Planning Code)
General Plan:	Central Business District
Zoning:	CBD-P Central Business District-Pedestrian Retail Commercial Zoning District
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301 and 15183
Historic Status:	Potential Designated Historic Property, *c3-post-1945 or modernized, potentially secondary importance
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

5. **Location:**	**3201 35th Avenue "Energy Gas & Mart" APN: (028 -0950-037-01)**
Proposal:	To expand a 696 square-foot convenience market located at a gas station by constructing 325 square-feet new floor area between existing market and storage structures located beneath the fueling canopy.
Applicant/ Phone Number:	Adolfo Martinez (510)828-3033
Owner:	Rajinder Singh Sull

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Case File Number:	**CM10-311**
Planning Permits Required:	Major Conditional Use Permit with additional findings to expand a legal nonconforming convenience market (OMC Sec. 17.36.050(C), 17.102.210(A), 17.134.020(A)(2)(a)(vi))
General Plan:	Mixed Housing Type Residential
Zoning:	C-10 Local Retail Commercial Zone
Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (Additions to existing structures); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Non-Historic Property; Survey rating: F3
Service Delivery District:	IV
City Council District:	4
Date Filed:	December 2, 2010
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, Planner II** at **(510) 238-2071** or arose@oaklandnet.com

6. **Location:**	**International Boulevard (from 14th Avenue to Oakland/San Leandro city limit line)**
Proposal:	Consideration of the International Boulevard Transit-Oriented Development Plan.
Applicant:	City of Oakland Community and Economic Development Agency
Contact Person/Phone Number:	Elois A. Thornton, Project Manager (510) 238-6284
Case File Number:	
Planning Permits Required:	***None***
General Plan:	Urban Residential, Neighborhood Center Mixed Use, Community Commercial, and Institutional.
Zoning:	C-28 Commercial Shopping District Zone, C-40 Community Thoroughfare Commercial Zone, S-4 Design Review Combining Zone
Environmental Determination:	Exempt, Section 15262 of the State CEQA Guidelines: Feasibility and Planning Studies; Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning
Historic Status:	The Plan Area includes numerous buildings of historic significance
Service Delivery District:	3,4,5,6
City Council District:	2,5, 6, 7
Status:	The Plan has been prepared for consideration by the City Planning Commission, and will be presented to the City Council in February 2011
Action to be Taken:	Receive public and Commission comments regarding the Plan
Action Requested:	Provide a recommendation to the City Council regarding the Plan
For Further Information:	Contact case planner **Elois A. Thornton** at **(510) 238-6284** or by email at **eathornton@oaklandnet.com**

PLEASE NOTE: ITEM NO. 7 BELOW, HAS BEEN REMOVED FROM THIS AGENDA.

~~7.~~	
~~Location:~~	~~3222 Martin Luther King Jr. Way ("S & N Market") (APN: 009-0716-027-00)~~
~~Proposal:~~	~~To allow a convenience market selling beer and wine to include sale of liquor/distilled spirits.~~ ~~The project would convert a Deemed Approved (legal nonconforming) establishment to a conditionally permitted establishment and would require an upgrade to the ABC license from a #20/Beer&Wine to a #21/General~~
~~Applicant/~~	~~Adel M. Homnan~~
~~Phone Number:~~	~~(510) 654-6471~~
~~Owner:~~	~~David Kwong~~
~~Case File Number:~~	~~CM10-313~~
~~Planning Permits Required:~~	~~Major Conditional Use Permit to change an ABC license type at a legal nonconforming Alcoholic Beverage Sales Commercial Activity (OMC Sec. 17.102.210(A), 17.114.070(A)(4));~~ ~~Additional criteria (2 sets) for sale of alcoholic beverages and for findings of Public Convenience or Necessity for an over-concentrated area (OMC Sec. 17.102.210(B)(3), (4))~~
~~General Plan:~~	~~Urban Residential~~
~~Zoning:~~	~~C-10 Local Retail Commercial Zone~~
~~Environmental Determination:~~	~~Statutorily exempt, Section 15270(a)(b)(c) of the State CEQA Guidelines: Project Which Are Disapproved~~
~~Historic Status:~~	~~Potential Designated Historic Property; Survey rating: Dc2 (ASI non-contributor, minor importance, potentially secondary)~~
~~Service Delivery District:~~	~~I~~
~~City Council District:~~	~~3~~
~~Date Filed:~~	~~December 6, 2010~~
~~Staff Recommendation:~~	~~Deny the application~~
~~Finality of Decision:~~	~~Appealable to City Council within 10 days~~
~~For Further Information:~~	~~Contact case planner Aubrey Rose, Planner II at (510) 238-2071 or arose@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/overturns 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

(There are no appeals on this agenda)

COMMISSION BUSINESS

Approval of Minutes: January 12, 2011

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: February 16, 2011

*Revised 1-27-11 to indicate Item #7 (3222 MLK, Jr. Way) being removed from this agenda.