



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

February 5, 2014
Regular Meeting

Revised 1-17-14* (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.

Sgnt. Mark Dunakin 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 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 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.

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**

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" 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, 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.

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.

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, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time is scheduled to be considered by the Commission.

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. | Location: 4491 Briar Cliff Road (APN:048-6845-006-01) |
| | Proposal: To install a new Monopole telecommunication facility with nine (9) telecommunication antennas, fifteen (15) Remote Radio Units (RRU's) and one (1) equipment shelter to contain the equipment cabinets. |
| | Applicant: AT&T, Josh Anderson for SAC wireless |
| Contact Person/Phone Number: | Josh Anderson |
| | Owner: EBMUD |
| | Case File Number: CMD13168 and T1400002 |
| Planning Permits Required: | Design Review to install a new Monopole telecommunication facility with nine (9) telecommunication antennas, fifteen (15) Remote Radio Units (RRU's) and one (1) equipment shelter to contain the equipment cabinets.
Major Conditional Use Permit for the installation of a Monopole telecommunication facility within 100 feet of a residential zone.
Minor Conditional Use Permit for a monopole telecommunication facility greater than 45' with the proposed height of 50'. |
| | General Plan: Hillside Residential |
| | Zoning: RH-3 Hillside Residential-3 Zone |
| Environmental Determination: | Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.
Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning. |
| | Historic Status: Not A Potential Designated Historic Property; Survey Rating: F3 |
| 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 |



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 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. If any interested party seeks to challenge such decision in court, an appeal 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, 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. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission's public hearing on the matter.

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.

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| 2. | Location: 5300-5310 San Pablo Avenue (APN's: 013-1186-013-03 & 02) |
| | Proposal: To subdivide two vacant lots into an eight mini-lot development with a shared-driveway accessed from 53rd Street, and construct three-story buildings for the development of four commercial units and sixteen residential dwelling units that include ground-level off-street covered parking spaces. |
| | Applicant: Francesca Boyd for Dogtown Development Co., LLC |
| | Phone Number: (510) 428-1714 |
| | Owner: 53 rd Street/San Pablo Avenue, LLC |
| | Case File Number: TTM8161, CDV13267 and T1400005 |
| | Planning Permits Required: 1) Tentative Tract Map for a subdivision; 2) Minor Conditional Use Permit for an eight mini-lot development with a shared-access facility (driveway); 3) Regular Design Review for new construction; 4) Minor Variance to reduce rear yard building setback from the required 15 feet to the proposed 11 feet and 9 feet (bay windows), and to reduce and/or eliminate the group open space for this project; and 5) Tree Protection Permit to remove four trees within the property. |
| | General Plan Designation: Community Commercial |
| | Zoning: CC-2 Commercial Zone |
| | Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines:
In-Fill Development Projects;
Section 15183 of the State CEQA Guidelines:
Projects consistent with a Community Plan, General Plan or Zoning. |
- (continued on page 5)



(continued from page 4)

Historic Status: Not a Potential Designated Historic Property (PDHP)
Survey Rating: None (vacant property)
Service Delivery District: 2
City Council District: 1
Date Filed: September 19, 2013 (*revised on January 3, 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 mrivera@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 applies.

3. **Location:** 601 MacArthur Boulevard
+ 620 Wesley Avenue + O MacArthur Boulevard
Assessor's Parcel Numbers: 023 -0427-001-00, 008-03, 002-00
Proposal: To Appeal the Zoning Manager's Determination dated November 22, 2013 indicating City Zoning entitlements for a 32-unit apartment building project are expired. (Application no. CMD00046 was approved November 6, 2002 and extension permits expired December 13, 2012)
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;
(continued on page 6) Exempt, Section 15321 of the State CEQA Guidelines: Enforcement Actions by Regulatory Agencies



(continued from page 5)	Non-historic properties (vacant lots; Potential Designated Historic Property
Historic Status:	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:	December 2, 2013
Action to be Taken:	Deny the Appeal and Uphold the Zoning Manager's Determination
Finality of Decision:	Final Not administratively appealable
For Further Information:	Contact case planner Aubrey Rose AICP, Planner II at (510) 238-2071 or arose@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes January 15, 2014

Correspondence

City Council Actions

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 MEETING: February 19, 2014

*Revised 1-17-14 to add a request for group space variance to Item 2# (5300 San Pablo Avenue) – see “Planning Permits Required #4.