



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

April 6, 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.**

Council Chambers, 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

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**

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.

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 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 with a stamp.

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

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. | <p>Location: 5427 Telegraph Avenue (APN: 014-1221-003-07)</p> <p>Proposal: To collocate 6 small Radio Remote Unit (RRU' s) antennas and to replace 3 antenna panels on the existing 76-ft. high steel Monopole including the installation of a ground-mounted equipment cabinet.</p> <p>Contact Person: AT&T, Jonathan Fong</p> <p>Phone Number: (916) 717-4427</p> <p>Owner: Telegraph Business Properties</p> <p>Case File Number: CMD10-267</p> <p>Planning Permits Required: Major Conditional Use Permit to operate a Monopole Telecommunications facility in a residential zone; Regular Design Review to install a Telecommunications Facility</p> <p>General Plan: Urban Residential & Community Commercial</p> <p>Zoning: R-70 High Density Residential Zone & C-28 Commercial Shopping District Zone</p> <p>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</p> <p>Historic Status: PDHP (Potential Designated Historic Property); Survey Rating: B+3</p> <p>Service Delivery District: 2</p> <p>City Council District: 1</p> <p>Date Filed: October 18, 2010 (revised plans submitted on 02/09/11)</p> <p>Action to be Taken: Decision based on staff report</p> <p>Finality of Decision: Appealable to City Council within 10 calendar days</p> <p>For Further Information: Contact case Planner Mike Rivera at (510) 238-6417, or by email at mriviera@oaklandnet.com</p> |
| 2. | <p>Location: 5000 MacArthur Boulevard (APN: 037A-2701-029-03)</p> <p>Proposal: Replace two (2) telecommunication antennas with two (2) new telecommunication antennas and the installation of four (4) new RRU' s.</p> <p>Applicant: AT&T, John Yu of Lyle Company</p> <p>Contact Person/Phone Number: John Yu</p> <p>Owner: Mills College</p> <p>Case File Number: CMDV10-345</p> |

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| Planning Permits Required: | Regular Design Review to replace two (2) telecommunication antennas with two (2) new telecommunication antennas and the installation of four (4) new RRU's Major Conditional Use Permit for the installation of a Monopole telecommunication facility within 100 feet of a residential zone. Minor Variance for a Monopole facility (existing) of 98 feet where 45 feet is permitted. |
| General Plan: | Institutional |
| Zoning: | R-50 Medium Density Residential 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: | Potential Designated Historic Property; Survey Rating: B+1+ |
| Service Delivery District: | 5 |
| City Council District: | 6 |
| Status: | Pending |
| Action to be Taken: | Decision of Application |
| Finality of Decision: | Appealable to City Council within 10 calendar 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, 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.

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| 3. | Location: | 1547 Lakeside Drive (Scottish Rite Temple) |
| | Assessor' s Parcel Number: | 008 -0630-008-01 |
| | Proposal: | To establish a member' s only bar with a 12:00am closing time in an existing 1,850 square-foot upper floor lounge. (requires ABC license type 51 / Club) |
| | Applicant/ | Don Parker/Oakland Scottish Rite Temple |
| | Phone Number: | (925) 389-6600 |
| | Owner: | Oakland Scottish Rite Temple Association |
| | Case File Number: | CM11020 |
| | Planning Permits Required: | Major Conditional Use Permit to allow an Alcoholic Beverage Sale Commercial Activity (OMC 17.58.040; 17.134.020(A)(2)(a)(viii)); Additional criteria (2 sets) for 1) sale of alcoholic beverages, and 2) for findings of Public Convenience or Necessity for an over-concentrated area (OMC Sec. 17.102.210(B)(3)) |
| | General Plan: | Central Business District |
| | Zoning: | CBD-R Central Business District Residential Zone |
| | Environmental Determination: | Exempt, Section 15301 of the State CEQA Guidelines: Operations of existing facilities; Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning |
| | Historic Status: | DHP (Designated Historic Property); Survey rating: A1+ (API contributor, highest importance; Historic District: Lake Merritt) |
| | Service Delivery District: | Metro |
| | City Council District: | III - Nadel |
| | Date Filed: | February 9, 2011 |
| | Action to be Taken: | Approve the application with conditions |
| | Finality of Decision: | Appealable to City Council within 10 calendar days |
| | For Further Information: | Contact case planner Aubrey Rose at (510) 238-2071 or arose@oaklandnet.com |



4. **Location:** 2647 International Boulevard St. Joseph' s Senior and Family Housing Project (APNs 025-0701-004-01, 025-0701-007-01, 025-0701-008-00, 025-0701-010-02, 025-0701-010-03)
- Proposal:** Revisions to previously approved Preliminary Development Plan (PDP), including:
- 1) Modification to project phasing; and
 - 2) Modification to retain the garage building.
- Design Review of Phase II Addendum Area, rehabilitation of the Laundry Building and the Smokehouse, and the proposed maintenance and repair of the Garage Building, and landscaping.
- Applicant:** Bridge Housing Corporation
- Contact Person/Phone Number:** Smitha Seshadri, Project Manager (415)989-1111
- Owner:** Bridge Economic Development Corporation
- Case File Number:** PUDF11044; REV110003
- Planning Permits Required:** Planned Unit Development Final (PUDF) for Phase II Addendum Area; Design Review for Phase II Addendum Area; Revisions to Preliminary Development Plan (PDP)
- General Plan:** Community Commercial
- Zoning:** C-40 Community Thoroughfare Commercial, C-28 Commercial Shopping District, C-60 City Service Commercial (Subsequent Zone – CIX-2)
- Environmental Determination:** Reliance on previously adopted Joint Mitigated Negative Declaration (MND) (CEQA) and a Finding of No Significant Impact (FONSI) (NEPA) adopted by the Planning Commission on December 19, 2007
- Historic Status:** City of Oakland Landmark 84-317; Nominated for Listing on the National Register of Historic Places, pending project completion.
- Service Delivery District:** 4
- City Council District:** 5
- Date Filed:** February 18, 2011
- Action to be taken:** Approve with conditions
- Finality of Decision:** Appealable to City Council within 10 calendar days
- For Further Information:** Contact Joann Pavlinec at (510) 238-6344 or by email: jpavlinec@oaklandnet.com

5. **Location:** Macarthur Transit Village: Tentative Tract Map 8047: Parcel D (generally located adjacent to the Macarthur BART station; on the west side of Telegraph Avenue between 40th Street and West Macarthur Boulevard (see map)
- Assessors Parcel Numbers:** 012-0969-053-03, 012-0968-055-01, 012-0967-01, 012-0969-002-00, 012-0969-003-00, 123-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00, and 012-0967-010-00
- Proposal:** Construct Stage Two (2) of the Macarthur Transit Village project (PUD06058), including: 90 affordable residential units in four stories over a generally sub-grade parking podium (project includes 90 parking spaces and associated open space).
- Applicant(s):** BRIDGE Housing Corporation, Robert Stevenson, (415) 989-1111 x7518
- Owner(s):** West Macarthur Transit Community Partners (MTCP)
- Case File Number(s):** PUDF10304, V10323, TTM8047 (related to PUD06058)

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Planning Permits Required: Final Development Permit, Minor Variances for parking space dimensions and off-site loading (TTM8047 considered previously by the Planning Commission)

General Plan: Neighborhood Mixed Use

Zoning: S-15 Transit-Oriented Development Zone

Environmental Determination: An Environmental Impact Report (EIR) was certified in June 2008.

Historic Status: There are no Potential Designated Historic Properties located on the project site.

Service Delivery District: Service District 2

City Council District: 1 - Brunner

Status: Design Review on February 23, 2011

Action to be Taken: Consider recommendation of Final Development Permit and two (2) Minor Variances for Macarthur Transit Village Stage 2 to City Council

Finality of Decision: NA

For further information: Contact case planner Catherine Payne at (510) 238-6168 or by email at cpayne@oaklandnet.com

6. **Location:** The Lowell/Gaskill neighborhood (Amendment Area), an area that covers approximately 150 acres in North Oakland, generally between 67th Street to the north, 53rd Street to the south, San Pablo Avenue to the west, and the intersection of Adeline and Market Streets to the east.
- Proposal:** Scoping Session for a Draft Environmental Impact Report (DEIR) to receive comments on implementation of proposed amendments to the Broadway/MacArthur/San Pablo Redevelopment Plan to expand the Project Area boundaries to include the Amendment area, to increase the bonding capacity to finance the proposed redevelopment activities in the Amendment area, and to renew the existing eminent domain authority to extend beyond 2012.
- Applicant:** Redevelopment Agency of the City of Oakland
- Contact Person/Phone Number:** Kathy Kleinbaum, Redevelopment Project Manager, (510)238-7185
- Case File Number:** ER11-001
- Planning Permits Required:** To be determined
- General Plan:** Mixed Housing Type
Housing and Business Mix
- Zoning:** R-40, R-50, HBX-1, C-25
- Environmental Determination:** An Environmental Impact Report (EIR) will be prepared for the proposed redevelopment plan amendments.
- Historic Status:** The Amendment Area includes a few buildings that are listed on the Local Register and multiple Potentially Designated Historic Properties.

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Service Delivery District: 2
City Council District: 1 - Brunner
Status: The Notice of Preparation will be issued on March 16, 2011
Action to be Taken: Receive public and Commission comments about what information and analysis should be included in the Draft Environmental Impact Report
For Further Information: Contact case planner Ulla-Britt Jonsson at (510) 238-3322 or by email at ujonsson@oaklandnet.com

7. **Location:** Central District Redevelopment Project Area, an approximately 828-acre area in downtown Oakland generally bounded by I-980, Lake Merritt, 27th Street, and the Embarcadero
- Proposal:** Public Hearing on the Draft Environmental Impact Report (DEIR) for proposed amendments to the Central District Redevelopment Area Plan that: (1) Extend the time limits on plan effectiveness and the receipt of tax increment revenues by 11 years, (2) Increase the cap on tax increment revenues, (3) Extend the time limit for use of eminent domain and restrict eminent domain to nonresidential properties, (4) Amend affordable housing provisions, and (5) Make other required changes.
- Applicant:** Redevelopment Agency of the City of Oakland
- Contact Person/Phone Number:** Blair Miller, Redevelopment Project Manager (510) 238-2055
- Case File Number:** ER10-0003
- Planning Permits Required:** To Be Determined
- General Plan:** Central Business District, Urban Open Space District, Institutional District, Urban Residential District.
- Estuary Plan:** Off-Price Retail District, Retail Dining Entertainment 1 and 2 Districts, Produce Market District, Mixed Use District, Waterfront Warehouse District, Planned Waterfront Development 1 District.
- Zoning:** CBD-R, Central Business District-Residential Zone, CBD-P, Central Business District-Pedestrian Retail Commercial Zone, CBD-C, Central Business District-General Commercial Zone, CBD-X, Central Business District-Mixed Commercial Zone, S-2, Civic Center Zone, S-4, Design Review Combining Zone, S-7, Preservation Combining Zone, S-12, Residential Parking Combining Zone, S-19, Health and Safety Protection Overlay Zone, OS (SU), Open Space Special Use Park Zone, OS (NP), Open Space Neighborhood Park Zone, OS (RSP), Open Space Region-Serving Park Zone, OS (LP), Open Space Linear Park Zone, OS (RCA), Open Space Resource Conservation Area Zone, C-25, Office Commercial Zone, C-30, District Thoroughfare Commercial Zone, C-40, Community Thoroughfare Commercial Zone, C-45, Community Shopping Commercial Zone, C-55, Central Core Commercial Zone, C-60, City Service Commercial Zone, D-BR, Broadway Retail Frontage Interim Combining District Zone, R-90, Downtown Apartment Residential Zone, M-20, Light Industrial Zone, M-30, General Industrial Zone, CIX-1, Commercial Industrial Mix 1 Zone.

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| Environmental Determination: | A Draft EIR has been prepared for the proposed amendments |
| Historic Status: | Redevelopment Project Area includes numerous buildings, districts, sites, and structures that are listed on or eligible for National, California, and Local Registers of Historic Resources and thus are considered CEQA Historic Resources |
| Service Delivery District: | 1, 2, Metro |
| City Council District: | 2, 3 |
| Status: | Draft Environmental Report was published for a 45-day review period (starting on March 18, 2011 and ending at 4:00 pm on May 2, 2011) |
| Action to be Taken: | Receive public and Commission comments on the Draft Environmental Impact Report. |
| For Further Information: | Contact case planner Ulla-Britt Jonsson at (510) 238-3322 or by email at ujonsson@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.

(There are no appeals on this agenda)

COMMISSION BUSINESS

Approval of Minutes

March 2, 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: April 20, 2011