



*C. Blake Huntsman, Chair
Chris Pattillo, Vice Chair
Michael Colbruno
Michael Coleman
Jim Moore
Vien Truong
Jonelyn Whales*

April 17, 2013
Regular Meeting

Revised 4-9-13 *(See at the 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.

Sgt. 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.

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 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.

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](tel: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.

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

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: | The public Right-of-Way adjacent to 3343 Crane Way |
| | | Nearest lot adjacent to the project site APN: (029-1160-012-04) |
| | Proposal: | To install a wireless Telecommunication Facility (AT&T wireless) on an existing 42'-11" high PG&E utility pole located in the public right-of-way: Install two panel antennas (two-feet long and ten inches wide mounted onto a seven-foot tall extension affixed on top of the pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide single equipment box attached to the pole 8' above ground. |
| | Applicant: | New Cingular Wireless PCS, LLC./AT&T Mobility |
| | Contact Person/Phone Number: | Matthew Yergovich (415)596-3474 |
| | Owner: | Pacific Gas & Electric (PG&E) |
| | Case File Number: | DR13045 |
| | Planning Permits Required: | Major Design Review to install a wireless Macro Telecommunication Facility to on existing PG&E pole located in the public right-of-way in a residential zone. |
| | General Plan: | Hillside Residential |
| | Zoning: | RH-3 Hillside Residential Zone |
| | Environmental Determination: | Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility.
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: N/A |
| | Service Delivery District: | 3 |
| | City Council District: | 4 |
| | 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 Jason Madani at (510) 238-4790 or by email: jsmadani@oaklandnet.com |

2. **Location:** The public Right-of-Way adjacent to 75 Castle Park Way
Nearest lot adjacent to the project site APN: (048D-7209-009-00)
- Proposal:** To install a wireless Telecommunication Facility (AT&T wireless) on an existing 39'-4" high PG&E utility pole located in the public right-of-way: Install two panel antennas (two-feet long and ten inches wide mounted onto a seven-foot tall extension affixed on top of the pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide single equipment box attached to the pole 8' above ground.
- Applicant:** New Cingular Wireless PCS, LLC./AT&T Mobility
- Contact Person/Phone Number:** Matthew Yergovich (415)596-3474
- Owner:** Pacific Gas & Electric. (PG&E)
- Case File Number:** DR13043
- Planning Permits Required:** Major Design Review to install a wireless Macro Telecommunication Facility to on existing PG&E pole located in the public right-of-way in a residential zone.
- General Plan:** Hillside Residential
- Zoning:** RH-4 Hillside Residential Zone
- Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility.
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: N/A
- Service Delivery District:** 4
- City Council District:** 4
- 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 Jason Madani at (510) 238-4790 or by email: jsmadani@oaklandnet.com

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| Location: | Utility pole in public right-of-way adjacent to:
5658 Grisborne Avenue (right side of frontage) |
| Assessor's Parcel Number: | Adjacent to: 048G-7420-014-00 |
| Proposal: | To install an 11' tall extension with two 2'-2" tall antennas
(approx.) on top of a 29'-4" utility pole (proposed top height = 41'-
5") and equipment pole mounted between 8' and 18'-11" in height. |
|
Pursuant to Federal and State law, City review for this
application is essentially limited to design considerations only | |
| Applicant / | Matt Yergovich on behalf of Extenet (for AT&T) |
| Phone Number: | (415) 596-3747 |
| Owners: | Public right-of-way: City of Oakland/
Utility pole: JPA |
| Case File Number: | DR13023 |
| Planning Permits Required: | Regular Design Review and additional findings for a
telecommunications facility in the public right-of-way |
- (continued on page 5)



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General Plan: Hillside Residential
Zoning: RH-4 Hillside Residential 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
Service Delivery District: II
City Council District: 4
Date Filed: January 28, 2013
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, AICP, Planner II**
at (510) 238-2071 or arose@oaklandnet.com

PLEASE NOTE: ITEM #4 BELOW HAS BEEN REMOVED FROM THIS AGENDA

4. **Location:** Utility pole in public right-of-way adjacent to:
6818 & 6828 Saroni Drive

Assessor's Parcel Number: **Adjacent to: 048E-7329-035-00 & 036-00**
Proposal: To install a 7'-9" extension with two 2'-2" tall antennas (approx.) on
top of a 37'-2" utility pole (proposed top height = 47'-1") and pole
mounted equipment between 8' and 18'-10".
Applicant/ **Matt Yergovich on behalf of Extenet (for: AT&T)**
Phone Number: (415) 596-3747
Owner: Public right-of-way: City of Oakland/
Utility pole: PG&E/JPA
Case File Number: **DR13038**
Planning Permits Required: Regular Design Review and additional findings for a
telecommunications facility
General Plan: Hillside Residential
Zoning: RH-4 Hillside Residential 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
Service Delivery District: II
City Council District: 4
Date Filed: January 30, 2013
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, AICP, Planner II**
at (510) 238-2071 or arose@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.

5.	Project Name:	BeautiFleaPeople Market
	Location:	Castro Street at 7th Street (APN001-0221-014-01)
	Proposal:	Allow Flea Market/Farmers Market to have Fast Food and Entertainment
	Contact Person/Phone Number:	Manuel Riley (510)541-7289
	Owner:	Caltrans
	Case File Number:	CM12254
	Planning Permits Required:	Major Conditional Use Permit to allow Group Assembly with Entertainment and Fast Food, (Total 3 Acres) in West Oakland
	General Plan:	Business Mix
	Zoning:	CIX-1 Commercial Industrial Mix Zoning District, S-19 Combining Zoning District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301, 15332
	Historic Status:	Not a Potential Designated Historic Property (vacant lots)
	Service Delivery District:	1
	City Council District:	3
	Commission Action to Be Taken:	Approve Staff Recommendation
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com



6. **Location:** Central Estuary Area which is bounded by 19th Avenue to the north, 54th Avenue to the south, I-880 to the east and the Estuary to the west.
- Proposal:** Conduct a public hearing to review and recommend forwarding to the City Council the Central Estuary Area Plan (CEAP) and the associated Planning Code amendments (new Chapter), Design Guidelines and Estuary Policy Plan (general plan) Amendments, as well as the certifying the Supplemental Environmental Impact Report (SEIR).
- Applicant:** City of Oakland, Department of Planning, Building and Neighborhood Preservation
- Case File Number:** ER11-0016/ ZT12109 / GP12110
- Planning Permits Required:** Adoption of the CEAP and the associated Planning Code amendments (new Zoning Chapter), Design Guidelines and Estuary Policy Plan (general plan) amendments
- General Plan:** Waterfront
- Estuary Policy Plan:** Existing: Light Industry-2, Waterfront Commercial Recreation-2, Planned Waterfront Development-2, Residential Mixed Use, Heavy Industrial, and General Commercial-1, Light Industry-3, Planned Waterfront Development-3, Parks
- Proposed Estuary Policy Plan Map Amendments:
- A portion of the area designated as Light Industrial 2 would change to Residential Mixed Use.
 - Portions of Union Point Park currently designated as Waterfront Commercial Recreation 2 would be amended to extend the Parks designation over the entirety of Union Point Park.
 - The westernmost segment of Union Point Park currently designated Parks would change to Waterfront Commercial Recreation 2.
 - The Parks designation would be expanded taking lands out of the Planned Waterfront Development 3 designation Martin Luther King Jr. Regional Shoreline Park area.
- Proposed Estuary Policy Plan Text Amendments: the allowable floor area ratio would be increased in most areas to facilitate development of modern industrial facilities.
- Zoning:** Existing: M-30 General Industrial, M-40 Heavy Industrial, and HBX-3 Housing and Business Mix
- Proposed zoning changes: A total of six Central Estuary "CE" zones would replace the existing zoning; the proposed permitted, conditionally permitted and prohibited uses are generally consistent with the existing zones. Development standards would also generally be consistent with the existing zoning. Proposed Work/Live and Live/Work rules have been streamlined and home occupation regulations have been tailored to the Jingtowntown artisan neighborhood.

(continued on page 8)



(continued from page 7)

Historic Status:	Four Areas of Secondary Importance in the Project Area.
Environmental Determination:	A Supplemental Environmental Impact Report (SEIR) to the 1998 Oakland Estuary Policy Plan EIR has been prepared. The Draft SEIR was published for a 45 day public review period from November 9, 2012, to December 24, 2012.
Service Delivery District:	3, 4, 5
City Council District:	2, 5
Action to be Taken:	Recommend adoption to the City Council of the CEAP and the associated Planning Code amendments (new Chapter), Design Guidelines and Estuary Policy Plan (general plan) Amendments, as well as the certifying the SEIR.
For Further Information:	Contact case planner: Alicia Parker at (510)-238-3362, or by email: aparker@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

February 6, 2013 and February 20, 2013

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.

ROBERT MERKAMP
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: May 1, 2013

*Revised 4-9-13 to remove item # 4 from this agenda