



# *Oakland City Planning Commission*

## MINUTES

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

**April 21, 2010**  
**Regular Meeting**

**Present:** Huntsman, Boxer, Colbruno, Galvez, Gibbs, Truong, Zayas-Mart

### ***ROLL CALL***

**Staff:** Scott Miller, Mark Wald, Kiran Jain, Heather Klein, Darin Ranalletti, Aubrey Rose, Cheryl Dunaway

### ***WELCOME BY THE CHAIR***

### ***COMMISSION BUSINESS***

#### **Agenda Discussion**

The Commission re-ordered the Agenda to take Item #4 as the 1<sup>st</sup> item.

#### **Committee Reports**

Huntsman summarized the Zoning Update Committee Meeting from April 21<sup>st</sup>

### ***OPEN FORUM***

**Speaker:** Sanjiv Handa

### ***CONSENT CALENDAR***

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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.



<b>±:</b>	<b>Location:</b>	<b>4660 Harbord Drive (APN: 048B-7150-002-04)</b>
	<b>Proposal:</b>	To install a wireless communication facility consisting of 3 concealed panel antennas and 3 microwave antennas on the exterior walls of the existing penthouses, and 1 equipment cabinet inside the elevator penthouse located on the rooftop of the school facility.
	<b>Contact Person:</b>	ClearWire, Michelle Weller
	<b>Phone Number:</b>	(925) 997-1212
	<b>Owner:</b>	Holy Names High School
	<b>Case File Number:</b>	<b>CMD09-286</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permit to operate a Macro telecommunication facility in a residential zone; Regular Design Review to install a total of 6 concealed antennas, and 1 equipment cabinet.
	<b>General Plan:</b>	Institutional
	<b>Zoning:</b>	R-30 One-Family Residential Zone
	<b>Environmental Determination:</b>	Exempt, Section 15301(c) 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
	<b>Historic Status:</b>	Potential Designated Historic Property (PDHP); Survey Rating: B +3, Major Importance
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	1
	<b>Date Filed:</b>	December 22, 2009
	<b>Action to be Taken:</b>	Decision based on staff report
	<b>Finality of Decision:</b>	Appealable to City Council within 10 calendar days
	<b>For Further Information:</b>	Contact case Planner <b>Mike Rivera</b> at (510) 238-6417, or by email at <a href="mailto:mriviera@oaklandnet.com">mriviera@oaklandnet.com</a>

**PUBLIC HEARINGS**

Pursuant to Commission Agenda Discussion, Item #4 was heard as the first item.

**PLEASE NOTE: ITEM 1.A., BELOW, WAS ADDED TO THIS AGENDA UPON CONTINUATION FROM THE APRIL 7<sup>TH</sup> AGENDA.**

<b>1.A.</b>	<b>Project Name:</b>	<b>Citywide</b>
	<b>Proposal:</b>	Add Title 18, Sustainability, Chapter 18.02 Sustainable Green Building Requirements for Private Development Buildings to the Oakland Municipal Code which will require mandatory green building requirements for private development projects.
	<b>Applicant:</b>	City Planning Commission
	<b>Contact Person/Phone Number:</b>	Heather Klein / (510) 238-3659
	<b>Case File Number:</b>	<b>ZT09-157</b>
	<b>General Plan:</b>	Various Citywide
	<b>Zoning:</b>	Various Citywide
(continued on page 3)		



<b>Environmental Determination</b>	CEQA Guidelines Sections 15060(c)(2), 15061(b)(3) (General Rule), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), 15308 (Actions by Regulatory Agencies for Protection of the Environment), and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning)
<b>Historic Status:</b>	Various Citywide
<b>Service Delivery District:</b>	All
<b>City Council District:</b>	All
<b>Status</b>	The Special Projects Committee and the Landmarks Preservation Advisory Committee recommended that the item be heard before the full Planning Commission.
<b>Action to be taken</b>	Recommendation to City Council contained within staff report
<b>For further information:</b>	Contact case planner <b>Heather Klein</b> at (510) 238-3659 or hklein@oaklandnet.com.

Heather Klein gave staff presentation. The Commission commented on the hard work of staff in bringing this item to this point and asked questions of staff.

Speakers: Roy Alper, Valerie Winemiller, Tomas Towey, Kirk Peterson, George Nesbitt, Naomi Schiff, Paul Campos, Gregory Mc Connell, Sanjiv Handa

During extensive Commission discussion, Ms. Klein answered several questions from the Commission.

Motion to recommend approval to City Council. Zayas-Mart, seconded by Gibbs, with the addition of a provision requiring staff to return to the Commission 2 years after adoption to report on progress, successes, and any issues on implementation of the ordinance.

Action on the matter: Recommended to City Council 7 ayes, 0 noes.

**PLEASE NOTE: ITEM NO. 2, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.**

<b>2.</b>	<b>Location:</b>	<del>3301 San Pablo Avenue (APN 005-0470-001-00)</del>
	<b>Proposal:</b>	<del>Alcoholic Beverage Service (Not in a Full Service Restaurant) in 3000 square foot existing space</del>
	<b>Contact Person/Phone</b>	
	<b>Number:</b>	<del>James &amp; Attry, (510) 531-1608</del>
	<b>Owner:</b>	<del>Kevin Tse</del>
	<b>Case File Number:</b>	<del>CM10-027</del>
	<b>Planning Permits Required:</b>	<del>Major Conditional Use Permit for Alcoholic Beverage Sales (Not in a Full Service Restaurant), hours 10 am to 12 am ("Yardie Jerk" Jamaican Café)</del>
	<b>General Plan:</b>	<del>Urban Residential</del>



**Zoning:** C-30 Commercial Zone/S-4 Combining Zoning District

**Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines: Modification of small structures Additional citation: Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning

**Historic Status:** Not Designated Historic Property/City Landmark (No substantial exterior alterations proposed).

**Service Delivery District:** 4

**City Council District:** 3

**Staff Recommendation:** Approve

**Finality of Decision:** Appealable to the City Council within 10 days

**For Further Information:** Contact Ann Clevenger at (510) 238-6980, or by email at [aclevenger@oaklandnet.com](mailto:aclevenger@oaklandnet.com)

3.

**Project Name:** **Informational Briefing Session:  
Revisions to Previously Approved Master Plan to Expand  
Oakland Zoo (No Decision)**

**Location:** 9777 Golf Links Road

**Proposal:** Revise the previously approved 1998 Master Plan for the expansion of the Oakland Zoo. The revisions would generally consist of the following: modifying and reducing the area of the proposed expansion from approximately 62 acres to approximately 56 acres; construction of a veterinary hospital to replace the existing veterinary hospital; modifications to the previously approved new animal exhibit area called "California!," a new aerial gondola transportation system to replace the previously approved shuttle bus system; a new overnight camping area; and establishment of the specific location of the proposed perimeter fence with modifications from the previously approved 1998 general fence location.

**Applicant:** East Bay Zoological Society

**Contact Person/Phone Number:** Nik Haas-Dehejia / (510) 632-9525 ext. 138

**Owner:** City of Oakland

**Case File Numbers:** CM09-085; ER09-005

**Planning Permits Required:** Major Conditional Use Permit to allow revisions to an existing Extensive Impact Civic Activity (zoological gardens) in the OS-SU (Open Space - Special Use) Zone and to a previously approved Master Plan

**General Plan:** Urban Open Space

**Zoning:** OS-SU (Open Space - Special Use) Zone

**Environmental Determination:** The City adopted a Mitigated Negative Declaration when the Zoo Master Plan was previously approved by the City in 1998. The Mitigated Negative Declaration stated that the Master Plan would not result in a significant impact on the environment with the incorporation of specified mitigation measures. Staff is currently conducting an environmental (CEQA) analysis to determine the appropriate level of environmental review for the proposed revisions to the Master Plan; that analysis is not yet complete.

**Service Delivery District:** 6

**City Council District:** 7



<b>Status:</b>	The Zoo Master Plan was previously approved by the City in 1998. The current proposal involves certain revisions to the Master Plan (as generally described above) and is currently under review.
<b>Action to be Taken:</b>	Conduct an informational briefing session on the proposal that will provide an opportunity for the Planning Commission and the public to receive preliminary information on the proposal and for the Planning Commission to provide any preliminary direction to staff and/or the applicant on the proposal. No decision on the proposal will be made at this time. The proposal will come back to the Planning Commission at a future public hearing for action, after completion of the CEQA analysis.
<b>For Further Information:</b>	Contact the case planner, <b>Darin Ranelletti</b> , at (510) 238-3663, or by email at <b>dranelletti@oaklandnet.com</b> .

Darin Ranelletti gave staff presentation. Nik Haas-Deheja and Dr. Joel Parrott, representing the Oakland Zoo, gave a presentation.

Speakers: Jason Webster, Gregory Mc Connell, Monica Green, Gary Twitchell, Harry Santi, Melinda Stevert, Peg Farrell, Eva Lowe, Steve Kane, Norma Faris-Taylor, David D. Makki, Robin Reynolds, Jason Landry, Roy West, David C. Lee, Cindy Pukatch, Caleb Cheung, Velma Hollis-Nutting, R.J. Carpenter, Ericka Johnson, Blake Spears, Reid Settlemier, Laurie Schoeffler, Randi Meyer, Karen Putz, Richard A. Charles, Ruth Malone, Sanjiv Handa

The Commission gave input into the proposal and looked forward to reviewing the complete staff analysis as part of the CEQA review in upcoming months.

Action on the matter: As an informational presentation only, no Commission action was taken.

## APPEALS

6.	<b>Location:</b>	<b>5919 ("5921") Foothill Boulevard (APN: 038 -3202-004-00)</b>
	<b>Proposal:</b>	To Appeal the Zoning Manager's Administrative Determination letter dated March 3, 2010 that indicated the Deemed Approved (legal non-conforming) Status for an Alcoholic Beverage Sales Commercial Activity location (a bar formerly named "R umors") had lapsed due to discontinuation of active operation for more than 90 days (from June 26, 2008 to present), pursuant to OMC Sec. 17.114.050(B) for Nonconforming Uses.
	<b>Appellant/</b>	<b>Michelle Duval/Law Offices of Laura Spease for:</b>
	<b>Phone Number:</b>	<b>Ron Patterson, Special Administrator for:</b> <b>The Estate of Freddie Lee Butler</b> <b>(510) 569-8558 ext. 4</b>
	<b>Owner:</b>	<b>The Estate of Freddie Lee Butler</b>
	<b>Case File Number:</b>	<b>A10-070</b>
	<b>General Plan:</b>	<b>Neighborhood Center Mixed Use</b>
	<b>Zoning:</b>	<b>C-30 District Thoroughfare Commercial Zone/ S-4 Design Review Combining Zone</b>
	<b>Environmental Determination:</b>	<b>Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved; Exempt, Section 15321 of the State CEQA Guidelines: Enforcement Actions by Regulatory Agencies</b>



<b>Historic Status:</b>	Not a Potential Designated Historic Property; Survey rating: D3 (minor importance)
<b>Service Delivery District:</b>	V – Central East Oakland
<b>City Council District:</b>	6 - Brooks
<b>Date Filed:</b>	March 12, 2010
<b>Action to be Taken:</b>	Uphold the Zoning Manager' s Administrative Determination and Deny the Appeal
<b>Finality of Decision:</b>	<i>Final (Not Appealable pursuant to OMC Sec. 17.132.030)</i>
<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose, Planner II</b> at (510) 238- <b>2071</b> or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>

Aubrey Rose gave staff presentation. Appellant's representative Michelle Duval presented the appellant's argument in support of the appeal, primarily that the death of the bar owner and the issues involved in settling the estate made the 90-day non-sale regulation impossible to comply with.

Motion to Deny the Appeal by Colbruno, seconded by Truong.

Action on the matter: Motion approved (Appeal Denied) 7 ayes, 0 noes. Mr. Miller advised that this issue is not administratively appealable at the City level and any Court case must be brought within 90-days.


### ***COMMISSION BUSINESS***

**Approval of Minutes:** April 7, 2010 (Approved 3 ayes, 0 noes, 2 abstentions)

OPEN FORUM

### **ADJOURNMENT**

The meeting was adjourned at approximately 10:00 p.m.

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

***NEXT REGULAR MEETING:*** May 5, 2010

\*Revised 4-1-10 to indicate item #1 being removed from this agenda and revised 4-8-10 to add item 1A (Green Building Ordinance) as continued from the April 7, 2010 Planning Commission Agenda, to remove item #2 from this agenda, and also to change the meeting venue to the Council Chambers.