



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

May 6, 2015
Regular Meeting

Revised 04-28-15 *(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.

Sgt. Mark Dunakin Hearing Room 1, 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.

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

Citywide Impact Fee Nexus Study And Implementation Strategy – Status Update

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:	0 Claremont Avenue : located in the public right-of-way on the east side of Claremont Avenue, northwest of Grizzly Peak Boulevard, and northeast of a fire trail at a bend in Claremont Avenue (nearest lot APN: 048H-7900-004-01)
	Proposal:	To install a wooden pole with two panel antennas on top, extending 51feet above ground. Radio frequency ("RF") notification signage is proposed at a location about 45 feet high on the pole. An 8feet long, 2 feet wide, 2 feet deep equipment shroud is proposed to be mounted on the pole at 11-feet to 19-feet above ground. Inside the shroud will be placed battery backup, radio and fiber demarcation units. An electrical meter box will be located on the pole below the shroud at 8 feet high above the ground.
	Applicant:	Extenet Systems Inc./AT&T Mobility
	Contact Person/Phone Number:	Matthew Yergovich (415) 596-3474
	Owner:	AT&T Mobility
	Case File Number:	PLN14-051
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review to install a wireless Telecommunication wooden Monopole Facility located in public right of away within the residential zone.
	General Plan:	Hillside Residential
	Zoning:	RH-1 Hillside Residential Zone.
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; New Telecommunication structure. 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:	2
	City Council District:	1
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@oaklandnet.com



2. **Location:** **0 Skyline Boulevard (adjacent to the Sequoia Arena Gate of Joaquin Miller Park) (APN: 029-1200-007-03)**
- Proposal:** Installation of a wireless telecommunication facility on a new 56' wood pole; two panel Kathrein antennas mounted at approximately at 53'-4" pole height; and associated equipment box (6' tall by 18" wide); one battery backup, and one meter box attached to the new pole, at a height of 10'-10" above ground located in public right of way.
- Applicant:** Yergovich & Associates, LLC / Matthew Yergovich
- Contact Person/ Phone** Matthew Yergovich
- Number:** (415) 596-3474
- Owner:** New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)
- Case File Number:** **PLN14053**
- Planning Permits Required:** Major Conditional Use Permit to install a wireless Telecommunication Facility on a new pole located in public right of away within the open space zone.
- General Plan:** Hillside Residential
- Zoning:** OS (RCA) Open Space Zone
- Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines; alterations to existing facilities; 15183 Projects consistent with the General Plan or Zoning.
- Historic Status:** Not A Potential Designated Historic Property (PDHP); Survey rating:
- Service Delivery District:** IV
- City Council District:** 4
- Date Filed:** 3/11/14
- Finality of Decision:** Appealable to City Council within 10 days
- For Further Information:** Contact case planner **Jose M. Herrera-Preza** at (510) 238-3808 or jherrera@oaklandnet.com

3. **Location:** **0 Skyline Boulevard (adjacent to the EBMUD water tank of Roberts Regional Recreation Area of Joaquin Miller Park) (APN: 029-1200-007-03)**
- Proposal:** Installation of a wireless telecommunication facility on a new 55' wood pole; two panel Kathrein antennas mounted at approximately at 52' pole height; and associated equipment box (6' tall by 18" wide); one battery backup, and one meter box attached to the new pole, at a height of 10' above ground located in public right of way.
- Applicant:** Yergovich & Associates, LLC / Matthew Yergovich
- Contact Person/ Phone Number:** Matthew Yergovich/(415) 596-3474
- Owner:** New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)
- Case File Number:** **PLN14054**
- Planning Permits Required:** Major Conditional Use Permit to install a wireless Telecommunication Facility on a new pole located in public right of away within the open space zone.
- General Plan:** Hillside Residential
- Zoning:** OS (RCA) Open Space Zone
- Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines; alterations to existing facilities; 15183 Projects consistent with the General Plan or Zoning.
- Historic Status:** Not A Potential Designated Historic Property (PDHP); Survey rating:
- Service Delivery District:** IV
- City Council District:** 4
- Date Filed:** 3/11/14
- Finality of Decision:** Appealable to City Council within 10 days
- For Further Information:** Contact case planner **Jose M. Herrera-Preza** at (510) 238-3808 or email: jherrera@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.

4.	Location:	960 Arlington Avenue (APN: 015-1296-001-02)
	Proposal:	Installation of a Wireless Telecommunications facility involving eight (8) antennas (located inside two new penthouse screening enclosures), and generator located on the roof of two-story commercial/industrial building. The associated mechanical equipment cabinet will be located within the building.
	Applicant:	Complete Wireless Consulting for Verizon Wireless.
	Contact Person/Phone Number:	Maria Kim (916)247-6087
	Owner:	Thomas Mcelroy
	Case File Number:	PLN15-006
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review to install a Macro Telecommunications Facility located in the Housing Business Mix Commercial Zone
	General Plan:	Housing Business Mix Commercial Zone.
	Zoning:	HBX-1 Housing Business Mix Commercial Zone
	Environmental Determination:	Exempt, Section 15301 and 15303 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: N/A
	Service Delivery District:	2
	City Council District:	1
	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: jmadani@oaklandnet.com



5.	Project Name:	Shell Minimart
	Location:	610 Market Street (APN: 001-0223-001-00 and 001-0223-005-00)
	Proposal:	Allow Mini-market Activity
	Contact Person/Phone Number:	Jonathan Ramos, Barghausen (425)656-7443)
	Owner:	Darceck Pearl Investments Inc.
	Case File Number:	PLN150024
	Planning Permits Required:	Major Conditional Use Permit to allow a rebuild of an existing 1,550 square foot Mini-market/Convenience Market with new canopies over gasoline service; Minor Conditional Use Permits for rebuilt carwash and Drive-through; and Regular Design Review on a 25,000 square foot (0.57 acre) parcel
	General Plan:	Community Commercial
	Zoning:	CC-3 Community Commercial Zoning District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303 small structures, 15332 urban infill, 15183 projects consistent with adopted plans
	Historic Status:	Not a Potential Designated Historic Property
	Service Delivery District:	SDS-1
	City Council District:	3
	Commission Action to Be Taken:	Approve Staff Recommendation
	Appeal:	To City Council
	For Further Information:	Contact David Valeska at (510) 238-2075 or by email at: dvaleska@oaklandnet.com

PLEASE NOTE: ITEM NO. 6 BELOW HAS BEEN REMOVED FROM THIS AGENDA AND WILL BE CONTINUED ON MAY 20, 2015.

6.	Location:	4700 Telegraph Avenue (APNs: 013-1150-017-01; 013-1150-019-02; & 013-1150-019-03)
	Proposal:	Major revisions to a previously approved Interim Major Conditional Use Permit (Case File No.: CMDV06-188 & TPM9164) to allow construction of a 48-unit residential condominium building with approximately 4,662 square feet of ground floor commercial space.
	Applicant:	Jason Laub - Nautilus Group
	Contact Person/Phone Number:	(510) 343-5593
	Owner:	NGI 4700 Telegraph, LLC
	Case File Number:	PLN15093/CMDV06188-R01
	Planning Permits Required:	Major Revisions to previously approved Interim Major Conditional Use Permit (Case File No.: CMDV06-188 & TPM9164) involving design modifications; Minor Conditional Use Permit to reduce required off-street parking by either 12% or 42% (56 spaces required; 33 spaces proposed under option A and 46 spaces proposed under option B); and Minor Variance to allow minor deviations from parking space layout.
	General Plan:	Neighborhood Center Mixed Use & Mixed Housing Type Residential
	Zoning:	CN-2 Neighborhood Center Mixed Use Zone 2 RM-1 Mixed Housing Type Residential Zone 1
	Environmental Determination:	Exempt 15332; State CEQA Guidelines, Infill
	Historic Status:	Potential Designated Historic (PDHP); survey rating C3
	Service Delivery District:	2
	City Council District:	1
	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 Maurice Brenyah-Addow at 510-238-6342 or by e-mail at mbrenyah@oaklandnet.com



7. Location: **Block bounded by 35th and 37th Avenues, East 12th Street and BART Tracks (APN: 033-2177-02100)**
- Proposal: Construct Phase 2A of the Fruitvale Village II project, a phased multi-family residential development on an existing surface parking lot adjacent to the Fruitvale BART Station, consisting of demolition of the parking lot and construction of 94 of a total of 275 market rate and mixed-income units to be completed in two phases. This first phase will consist of 94 units of mixed-income housing. A subsequent phase will include 181 market rate rental units. The applicant currently seeks approval of Design Review and a Final Development Plan for the project, as well as a Waiver of up to 61 parking spaces that were required as a Condition of Approval during Phase 1 of the project.
- Applicant: Ross Ojeda/The Unity Council
Phone Number: 510-535-6948
- Property Owner: The Unity Council
- Case File Number: **PUDF01/ER08-0005**
- Planning Permits Required: Design Review and Final Development Plan for Phase 2A of the Fruitvale Transit Village Phase 2 Project; Request for a Waiver of up to 61 parking spaces that were required as a Condition of Approval during Phase 1 of the project.
- General Plan: Neighborhood Center Mixed Use
- Zoning: S-15 Transit-Oriented Development Zone
- Environmental Determination An Environmental Impact Report (EIR) was certified in May 2010.
Exemptions: Pursuant to Sections 15162-15164 of the CEQA Guidelines, no additional environmental review is necessary.
- Property Historic Status: There are no Potential Designated Historic Properties located on the project site.
- Service Delivery District: 3
- City Council District: 5
- Date Filed: February 13, 2015
- Action to be Taken: Decision by City Planning Commission
- Finality of Decision: Decision by City Planning Commission
- For Further Information: Contact the case planner, **Elois A. Thornton** at **(510) 238-6284**, or by e-mail at eathornton@oaklandnet.com



8.	Location: 4 th & Madison Streets (APN: 001-0161-001-00; -002-00; & -007-07)
	Proposal: Scoping session for a proposal to demolish the existing building and surface parking lot and construct approximately 330 dwelling units and approximately 3,000 square feet of ground floor commercial in two buildings on two sites across the street from one another. The site includes the entire block between Jackson and Madison Streets and 4 th and 5 th Streets, and half of the block to the south bounded by 3 rd and 4 th Streets and Jackson and Madison Streets.
	Applicant: Carmel Partners
Contact Person/Phone Number:	Greg Pasquali - (415)231-0221
	Owner: Square 1 LLC
	Case File Number: ER15005
	General Plan: Estuary Policy Plan – Mixed Use District
	Zoning: C-45, Community Shopping Commercial Zone
Environmental Determination:	Staff has determined that an Environmental Impact Report (EIR) will be prepared for this project. A Notice of Preparation (NOP) to prepare the EIR was published on April 17, 2015. The comment period for the NOP ends on May 18, 2015.
	Historic Status: Contributor to Waterfront Warehouse National Register District; Rating: Dc1+
Service Delivery District:	Metro
City Council District:	3
Action to be Taken:	Receive public and Commission comments about what information and analysis should be included in the EIR
For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email at: pvollmann@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/overtakes 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.

COMMISSION BUSINESS

Approval of Minutes

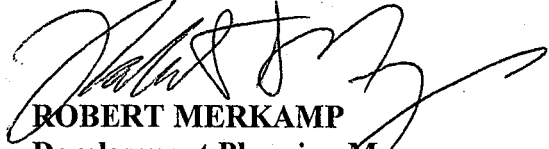
March 11, 2015

Correspondence

City Council Actions



ADJOURNMENT By 10:30 P.M. unless a later time is agreed upon by a majority of Commissioners present.


ROBERT MERKAMP
Development Planning Manager
Planning and Zoning Division

NEXT MEETING: May 20, 2015

*Revised 04-28-15 to indicate Item #6 to be place on the May 20, 2015 agenda.