



Vien Truong, Chair
C. Blake Huntsman, Vice Chair
Michael Colbruno
Chris Pattillo
Jonelyn Whales
Madeleine Zayas-Mart

May 16, 2012
Regular Meeting

Revised 5-8-12 *(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 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

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**

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.

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

West Oakland Specific Plan – Status Update. Development of comprehensive, multi-faceted strategies for facilitating the development of vacant and underutilized commercial and industrial properties within West Oakland Opportunity Areas.

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.

NOTE: ITEM #1 HAS BEEN REMOVED FROM THIS AGENDA

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| 1. | Approximate Location: | Near 2824 Burton Drive (in the City Right-Of-Way) (APN:048D-7296-037-05) |
| | Proposal: | To install two (2) concealed antenna panels on a new 10'-3" high pole extension located on top of the existing 34'-0" high PG&E pole, thus increasing its height to 44'-3" high, and to install concealed equipment cabinets mounted on the pole about 8'-0" high from finished street grade in the City Right-of-Way. |
| | Owner/Contact: | Northern California Joint Pole Association, Patti Ringo |
| | Contact Person/Phone Number: | Extenet Systems/Rick Hirsch (415)-377-7826 |
| | Case File Number: | DR11-224 |
| | Planning Permits Required: | Regular Design Review to install and operate a Telecommunications facility in a residential zone. |
| | General Plan: | Hillside Residential |
| | Zoning: | RH-4 Hillside Residential Zone 4; and S-10 Scenic Route Combining Zone. |
| | Environmental Determination: | Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (additions to existing structure); Section 15183 of the State CEQA Guidelines: Projects consistent with a Community plan, General Plan or Zoning. |
| | Historic Status: | Survey Rating: None. |
| | Service Delivery District: | 2 |
| | City Council District: | 4 |
| | Date Filed: | 12/15/11 (revised design plans submitted on 04/04/12) |
| | Action to be Taken: | Decision based on staff report |
| | Finality of Decision: | Appealable to City Council within 10 calendar days |
| | For Further Information: | Contact Case Project Planner Mike Rivera at (510) 238-6417, or by email at mrivera@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: 2847 Peralta Street (APN's: 007-0589-016-00; -017-00; -018-02; -018-03;& -023-00) |
| | Proposal: Proposal would merge nine existing lots into two lots, one of which would include a condominium development project which was part of previously approved entitlements (CMDV05-476) and the other parcel would be reserved for future use as a Community Garden. The proposal would include a Transfer of Development Rights, pursuant to Planning Code Section 17.106.050, from the parcel reserved for a Community Garden to the development parcel. The Transfer of Development Rights would allow for 90 units maximum on the development parcel. The parcel that would contain the future development currently has entitlements for a mixed use building with 58 dwelling units. A new application would need to be submitted to take advantage of the increased density of 90 total units on the development parcel, and is not part of this application request. |
| | Applicant: Peralta Street, LLC |

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| Contact Person/Phone Number: | Marc Babsin, (415) 489-1313 |
| Owner: | Peralta Street, LLC |
| Case File Number: | CMV12-025 & TPM-10032 |
| Planning Permits Required: | Major Variance to allow the use of Transfer of Development Rights in the HBX-2 Zone, Major Conditional Use permit for Transfer of Development Rights, and Tentative Parcel Map to merge nine lots into two lots, including for condominium purposes. |
| General Plan: | Housing & Business Mix |
| Zoning: | HBX-2, Housing and Business Mix Zone - 2 |
| Environmental Determination: | Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects; and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning. |
| Historic Status: | Vacant Lot |
| Service Delivery District: | 1 |
| City Council District: | 3 |
| Status: | Pending |
| Action to be Taken: | Decision on application based on Staff Report |
| Finality of Decision: | Appealable to City Council within 10 days |
| For Further Information: | Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@oaklandnet.com . |

NOTE: ITEM #2 WAS PREVIOUSLY SCHEDULED FOR THE APRIL 18TH, 2012 MEETING WHICH WAS CANCELLED

3.

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| Location: | The Planning Area encompasses approximately 96 acres on either side of Broadway, and is generally bound by Interstate-580 to the north, Grand Avenue to the south, Webster Street and Valley Street to the west, and Harrison Street, Bay Place, 27 th Street, Richmond Avenue, and Brook Street to the east. |
| Proposal: | Conduct a public scoping session, as required by the California Environmental Quality Act (CEQA), to receive comments on the scope of a Draft Environmental Impact Report (DEIR) on the Broadway Valdez District Specific Plan. |
| Applicant: | City of Oakland |
| Case File Number: | ZS12046, ER120005 |
| General Plan: | Central Business District, Community Commercial, Neighborhood Center Commercial, Urban Residential, Mixed Housing Type Residential, Institutional |
| Zoning: | CBD-P, CBD-C, CC-2, CC-2/D-BR, CN-2/D-BR, RU-3/D-BR, RU-4/D-BR, RM-3/D-BR, RM-4/D-BR |
| Environmental Determination: | An Environmental Impact Report (EIR) will be prepared for the Broadway Valdez District Specific Plan. |
| Historic Status: | The Plan Area includes cultural/historic resources that may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D; and Landmark properties. |

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Service Delivery District: 2

City Council District: 3

Status: A Notice of Preparation (NOP) of DEIR will be published on April 30, 2012, and the public comment period on the NOP ends on May 30, 2012.

Action to be Taken: Receive public and Planning Commissioner comments on the scope of the DEIR. No decisions will be made on the project at this hearing.

Finality of Decision: N/A

For Further Information: Contact project planner Laura Kaminski at 510-238-6809 or lkaminski@oaklandnet.com
Project message line: 510-238-7905
Project email address: bvdsp@oaklandnet.com
Project website: www.oaklandnet.com/bvdsp

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 25, 2012

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
Acting Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: June 6, 2012

*Revised 5-8-12 to remove item #1 from this agenda.