



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

March 18, 2015
Regular Meeting

Revised 03-12-15 *(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

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.

PLEASE NOTED: ITEM NO. 1 BELOW HAS BEEN REMOVED FROM THIS AGENDA AND WILL BE CONTINUED TO APRIL 15, 2015.

1.	Location:	960-Arlington Avenue (APN: 015-1296-001-02)
	Proposal:	To install a wireless telecommunications facility involving eight (8) antennas with associated equipment concealed within two (2) screen enclosures located on the roof and four (4) associated equipment cabinets located inside of two-story commercial/industrial building.
	Applicant:	Complete Wireless Consulting for Verizon Wireless.
Contact Person/Phone Number:		Maria Kim (916)247-6087
	Owner:	Thomas Meelroy
	Case File Number:	PLN15006
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 calendar days.
For Further Information:		Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@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.

2.	Property Location & Assessor’s Parcel Numbers:	4901-4945 Broadway; 311 51st Street; and 4964-4974 Desmond Street. 013-1136-012-00; 013-1136-011-00; 013-1136-010-00; 013-1136-009-02; 013-1136-008-04; 013-1136-005-05; 013-1136-004-02; 013-1136-022-01 and 013-1136-021-00.
	Proposal:	To construct a two to five-story building consisting of 126 residential units with ground-floor commercial space, a surface parking lot with 16 stalls, and an underground garage with 167 stalls, including two detached two-story four-unit residential townhouse on Desmond St. The proposal includes a tree permit (T1400087) to remove one street tree near the corner of 51st Street & Broadway, and protect six street trees within 10 feet of construction along 51st St and Desmond Street.
	Applicant:	Ryan Leong / SRM Development
	Phone Number:	(509) 455-5477
	Property Owner:	W. John Miottel, Trustee
	Case File Number:	PLN14248; PUDF06; TTM8185
	Planning Permits Required:	Preliminary and Final Planned Unit Development (PUDF) for a mixed-use development; Regular Design Review for new construction; and Vesting Tract Map Subdivision to merge and reconfigure nine existing parcels into five parcels.
	General Plan:	Community Commercial; Mixed Use Residential
	Zoning:	CC-2 Community Commercial; and RM-1 Mixed Use Residential.
Environmental Determination		Section 15332 of the State CEQA Guidelines:
	Exemptions:	In-Fill Development Projects; 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.
	Property Historic Status:	Oakland Cultural Heritage Survey (OCHS) Rating: X (Non-Historic Properties).
	Service Delivery District:	2
	City Council District:	1
	Date Filed:	July 31, 2014 (revised plans received on February 18, 2015)
	Action to be Taken:	Decision by the Planning Commission based on staff report.
	Finality of Decision:	Appealable to City Council within 10 calendar days.
	For Further Information:	Contact Case Planner: Mike Rivera at (510) 238-6417, or by email at mriviera@oaklandnet.com .



3. **Location:** Parcel generally bounded by Lake Merritt Boulevard to the north, East 12th Street to the east, 2nd Avenue to the south, and a City park/water treatment basin and Lake Merritt Channel to the west.
- Proposal:** Construction of a 413,829 square foot, 24-story residential apartment tower, including 298 residential units, 2,000 square feet of ground level commercial space, 209 parking spaces, and associated amenities and improvements. Off-site improvements are also proposed to the existing water treatment basin/park located adjacent to the site.
- Applicant:** Urban Corps
- Contact Person/Phone Number:** Ronnie Turner/(510)395-2766
- Owner:** City of Oakland
- Case File Number:** PLN14266
- Planning Permits Required:** Design Review for new construction; Conditional Use Permits to be subject to the requirements of Height Area LM-275 instead of Height Area LM-175; for reduced loading birth dimensions parking spaces (223.5 required; 209 proposed); and improvements to a passive park site. Variance for storefront depth of 35 feet instead of the required 50 feet; All permits are Major because the proposed construction is greater than 100,000 square feet in a D-LM zone.
- General Plan:** Urban Residential
- Zoning:** D-LM-1 Lake Merritt Station Area District Mixed Residential Zone - 1
- Environmental Determination:** The anticipated environmental effects of the project have been evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014). The project is also Categorically Exempt under Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning; and 15183.3 (Streamlining for Infill Projects). These analyses and exemptions satisfy CEQA requirements on a separate and independent basis.
- Historic Status:** Empty lot; no historic properties.
- Service Delivery District:** 4
- City Council District:** 2
- Status:** Pending
- Action to be Taken:** Decision on application and adoption of CEQA analysis
- Finality of Decision:** Appealable to City Council
- For Further Information:** Contact case planner at (510) 238-3878 or by email: ngray@oaklandnet.com.



PLEASE NOTE: ITEM NO. 4 BELOW, HAS BEEN REMOVED FROM THIS AGENDA AND CONTINUED TO APRIL 15, 2015.

4.	Location:	CITYWIDE
	Proposal:	To expand and create new Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs) in the City of Oakland.
	Applicant:	City of Oakland
	General Plan:	Various
	Zoning:	Various
	Environmental Determination:	15308. Actions by regulatory agencies for the protection of the environment; 15301 Actions by regulatory agencies for protection of natural resources; 15061(b)(3) The project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.
	Service Delivery District:	Each District
	City Council District:	Each District
	Status:	Pending
	Action to be Taken:	Informational and request for input from Planning Commission
	For Further Information:	Contact case planner at (510) 238-3878 or by email: ngray@oaklandnet.com .

PLEASE NOTE: ITEM NO. 5 BELOW HAS BEEN REMOVED FROM THIS AGENDA.

5.	Location:	1920-1932 Telegraph Avenue (APN: 008-0639-006-02)
	Proposal:	To establishment a 9,547 s.f. full service grocery store with a 4,429 s.f. sales area including a restaurant, café, sale of beer and wine at the market, and a 9:00 PM closing time (Newberry Market).
	Applicant:	Ms. Ann Thai
	Contact Person/Phone Number:	Ms. Ann Thai (408) 667-7646
	Owners:	Mohammad and Mahmoud Elmiaari
	Case File Number:	PLN15005
	Planning Permits Required:	Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales-Commercial Activity; Variance for proximity to existing alcohol outlets; Findings of Public Convenience or Necessity
	General Plan:	Central Business District
	Zoning:	CBD-P Central Business District Pedestrian Retail Zone
	Environmental Determination:	Exempt, Section 15301, State CEQA Guidelines; Existing Facility (operation); 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:	1
	City Council District:	3
	Date Filed:	January 8, 2015
	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 Moe Hackett, Planner II at (510) 238-3973 or mhackett@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.

COMMISSION BUSINESS

Approval of Minutes

February 18, 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: April 1, 2015

*Revised 03-12-15 to indicate Item #1 to be placed on the April 15, 2015 agenda.

*Revised 03-06-15 to indicate Item #4 (Citywide) being removed from this agenda. This item is being placed on the April 1, 2015 Planning Commission Agenda.

*Revised 03-06-15 to indicate Item #5 has been removed from this agenda.