Oakland City Planning Commission

REVISED*AGENDA

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

June 15, 2011 Regular Meeting

*Revised 6-3-11 (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.

Sgnt. 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 Planning Department prior to the meeting regarding items that may be continued. Any agenda item may be continued, without

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 devise, 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.

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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 Community and Economic Development Agency, 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.

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" (under CEDA), 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, Community and Economic Development Agency, 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 Section1094.6, 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 tickets with a stamp.

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 it is scheduled to be considered by the Commission.

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ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

Update on status of Lake Merritt Station Area Plan

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:	Ettrick Street	(located in th	e Public	Right-of-Way	adjacent to

11300 Ettrick Street); APN: 048-6266-008-00

Proposal: Installation of a wireless telecommunication facility to the existing

PG&E pole consisting of: increasing the existing pole height from 38' to 50' 6"; with three T-Mobile antennas mounted in a radome; and associated equipment boxes attached to the existing pole, at a height of

between 8' 6" to 18' above ground located in public right of way.

Applicant: Dana Aquirre / T-Mobile

Contact Person/Phone Dana Aquirre (925)784-7888

Number: Owner:

Pacific Gas & Electric

Case File Number: DR10-320

Planning Permits Required: Major Regular Design Review to install a wireless Telecommunication

Facility to an existing PG&E pole located in the public right-of-way

within a residential zone.

General Plan: Hillside Residential

Zoning: RH-2 Hillside Residential Zone -2

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Environmental Determination: Exempt, Section 15301 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: No Historic Record

Service Delivery District: 6 City Council District: 7

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 Moe Hackett at (510) 238-3973 or by email:

mhackett@oaklandnet.com

2. Location: Totterdell Street (located in the Public Right-of-Way

adjacent to 3040 Totterdell Street); APN: 048D-7289-018-00

Proposal: Installation of a wireless telecommunication facility to the existing

PG&E pole consisting of: increasing the existing pole height from 39' to 48' 6"; one panel Kathrein antenna mounted at approximately 46' - pole height; and associated equipment boxes; one battery backup, and one meter box attached to the existing pole, at a height of between 7'

to 9' -6" above ground located in public right of way.

Applicant: Extenet Systems

Contact Person/Phone Rick Hirsch/(415)337-7826

Number:

Owner: Pacific Gas & Electric

Case File Number: DR10-325

Planning Permits Required: Major Regular Design Review to install a wireless Telecommunication

Facility to an existing PG&E pole located in the public right-of-way

within a residential zone.

General Plan: Hillside Residential

Zoning: RH-4, S-4 Hillside Residential Zone-4, Design Review Combining

Zone Regulations

Environmental Determination: Exempt, Section 15301 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: No Historic Record

Service Delivery District: 2 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 Moe Hackett at (510) 238-3973 or by email:

mhackett@oaklandnet.com

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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, Community and Economic Development Agency, 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. Such appeals 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 of the Community and Economic Development Agency, 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.

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.

3. Location: 3131 Union Street (See map on reverse)

APN: 005-0461-001-00

Proposal: To replace existing athletic field lighting with new lighting.

Applicant: City of Oakland

Contact Person / Phone No.: Ali Schwartz (510)238-7310

Case File Number: VM11-035

Planning Permits Required: Major Variance to allow new 60-foot tall athletic lights at a

neighborhood park.

General Plan: Urban Open Space

Zoning: OS (NP) Open Space Zone (Neighborhood Park)

Environmental Determination: Exempt, Section 15301, State CEQA Guidelines: minor alteration

to existing facilities

Section 15183, State CEQA Guidelines: Projects consistent with a

community plan, general plan or zoning

Historic Status: Potentially Designated Historic Properties; Survey Rating D2+

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Service Delivery District: 1 City Council District: 3

Date Filed: March 4, 2011

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 Maurice Brenyah-Addow at (510) 238-6342 or

by email at: mbrenyah@oaklandnet.com

4. Location: 5000 Redwood Road

APN: 037A-3138-001-00

Proposal: To replace existing athletic field lighting with new lighting.

Applicant: City of Oakland Public Works Department

Contact Person / Phone No.: Alison Schwartz (510)238-7310

Case File Number: VM11036

Planning Permits Required: Major Variance to allow new 60-foot tall athletic field lights at

a neighborhood park.

General Plan: Urban Open Space

Zoning: OS (NP) Open Space Zone (Neighborhood Park)

Environmental Determination: Exempt, Section 15301, State CEQA Guidelines: minor

alteration to existing facilities

Section 15183, State CEQA Guidelines: Projects consistent

with a community plan, general plan or zoning

Historic Status: No Historic Rating

Service Delivery District: 4 City Council District: 6

Date Filed: March 4, 2011 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 Leigh McCullen at (510) 238-4977 or by email

at: lmccullen@oaklandnet.com

5. Location: 319 Chester Street (APN 004-0103-035-00)

Proposal: Rezone property from open space to residential (RM-2 proposed)

Contact Person/Phone Number: Lloyd Ware, City of Oakland (510)238-6197

Owner: City of Oakland

Case File Number: RZ11-053

Planning Permits Required: Rezone property from OS-AMP (Open Space/Active Mini-Park) to

RM-2 Mixed Housing Type Residential for residential use

General Plan: Mixed Housing Type Residential

Zoning: OS-AMP (Open Space/Active Mini-Park)

Environmental Determination: Categorically Exempt under California Environmental Quality Act

(CEQA) Guidelines Section 15303

Historic Status: Not a Potential Designated Historic Property (vacant land)

Service Delivery District: 1 City Council District: 3

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Date Filed: March 24, 2010

Action to be Taken: Recommendation to the City Council

Finality of Decision: Final Action by City Council

For Further Information: Contact David Valeska at (510) 238-2075 or

dvaleska@oaklandnet.com

Location: Bentley School; 1 Hiller Drive, 245, 251, and 261 Tunnel Road

APN: 048H-7576-001-04, 048H-7576-030-02, 064 -4231-015

through 064 -4231-017

Proposal: Reconsideration of the Planning Commission's February 16, 2011

decision to:

Clarify the Transportation Demand Management (TDM) methodology for counting vehicles such that the Independent Rule Enforcers shall count vehicles from 7:15 to 8:45 in the morning and from 2:00 to 5:00 in the evening during each monitoring period. However, once a trimester the Independent Rule Enforcers shall count vehicles from 7:15 to 8:45 in the morning and from 2:00 to

6:00 in the evening.

(This action was associated with the Conditional Use Permit to increase the student enrollment from 200 to 360 students; change the school operation hours; and allow for childcare, physical education and extracurricular sports classes; and weekday evening, weekend, and summer events at the school. This proposal also included the number of on-site faculty, as well as the option to change the grade levels from K-8th grade to K-5th grade.)

Applicant: Bentley School

Contact Person/Phone Number: Arlene Hogan (510) 843-2512

Owner: Bentley School

Case File Number: A11033 (related to CM04-411; ER07-006; REV10-0003)

Planning Permit Required: Reconsideration of the February 16, 2011 decision by the Planning

Commission.

General Plan: Hillside Residential

Zoning: R-30 One-Family Residential Zone

Environmental Determination: An Environmental Impact Report was previously certified by the

Planning Commission on October 21, 2009. As a separate and independent basis, the project was also found exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15061(b)(3), 15378(a)

and/or 15183. No further environmental review is required.

Service Delivery District: II - North Oakland

City Council District: 1

Action to be Taken: Decision based on the staff report.

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Finality of Decision:

If the Planning Commission grants the Request for Reconsideration, then staff will schedule another Planning Commission public hearing to consider the entire item that was previously before the

Commission in February 16, 2011, including:

1) Approval of the final two sections of the Transportation Demand Management (TDM) Program (Condition of Approval #14; Case File CM04-411) for Bentley School:

 A portion of Section A related to additional onsite parking spaces, and

b) A portion of Section J related to an alternative to the Memorandum of Understanding (MOU) with the Police Department; and

 Review of the School's Condition of Approval compliance record since the project was approved by the Planning Commission on October 21, 2009 and potentially clarify language related to the Conditions of Approval, including the TDM.

If the Planning Commission denies the Request for Reconsideration, then Bentley School's Appeal shall be forwarded to City Council for its consideration at a future public hearing.

For Further Information:

Contact case planner Heather Klein at 510 238-3659 or by e-mail at

hklein@oaklandnet.com.

7. Location: 4311-4317 Macarthur Boulevard (APN 030-1982-121-00 through

030-1982-123-00)

Project Title: High and Macarthur Mixed-Use Project

Proposal: Redevelopment of a vacant lot with a mixed-use project including

approximately 115 units of market-rate and affordable senior housing, 3,446 square feet of ground-floor commercial space, and 65 parking

spaces.

Applicant: AMG and Associates, LLC

Contact Person/Phone Number: Alexis Gevorgian/(818) 380-2600

Owner: Hahn Development LL C/Hahn & Kang Equi

Owner: Hahn Development, LLC/Hahn & Kang Equity I Case File Numbers: CMDV10-312; ER10-0001

Planning Permits Required: Major Conditional Use Permit, Design Review, Major Variance,

Parcel Map Waiver

General Plan: Neighborhood Center Mixed Use

Applicable Zoning: C-30 District Thoroughfare Commercial Zone; C-31 Special Retail Commercial Zone; S-4 Design Review Combining Zone (Current zoning is CN-3 Neighborhood Commercial Zone 3 and CN-2

Neighborhood Commercial Zone 2)

Environmental Determination: A Focused Environmental Impact Report (EIR) will be prepared. A

Notice of Preparation of an EIR and an Initial Study was published on

May 18, 2011. The public comment period on the Notice of

Preparation ends on June 16, 2011.

Historic Status: Not a Potential Designated Historic Property (PDHP); Survey rating:

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8.

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Service Delivery District: 4 City Council District: 4

Date Filed: March 5, 2010

Status: Pending

Action to Be Taken: Comments on the scope of the EIR. No decisions will be made on

the project at this hearing.

Staff Recommendation: Take public testimony concerning the scope of the EIR and provide

direction to staff.

For Further Information: Contact the case planner, Lynn Warner, at (510) 238-6983 or by

email at lwarner@oaklandnet.com.

PLEASE NOTE: ITEMS NO. 8 AND 9, BELOW, WILL NOT BE HEARD PRIOR TO 7:00 P.M.

Location: Eastmont Town Center

7200 Bancroft Avenue

Assessor's Parcel 039 -3299-001-02

Number:

Proposal: Establishment of a CVS Pha

Establishment of a CVS Pharmacy within shell (southern most end) of the existing Eastmont Town Center

Proposal includes the interior and exterior remodeling of existing 14,000 square-foot (end cap) building including the addition of 30 square feet. The refurbished structure would serve as a CVS pharmacy with a drive-through pharmacy window. In addition, the project would include construction of a new on-site vehicle drive-through lane, restriping of parking at 73rd Avenue, and new landscaping, lighting and

signage.

Applicant: Alexis Pelosi /Sheppard Mullin Richter & Hampton

Contact Person/ Alexis Pelosi / Phone Number: (415) 774-2974

Owner: Eastmont Oakland Associates, LLC

Case File Numbers: CMDV11-047

Planning Permits Required: Major Conditional Use Permits to allow an Alcoholic Beverage Sales

Commercial Activity with Findings of Public Convenience or Necessity

and to allow an automobile drive-through;

Major Variances to allow for alcoholic Beverage Sales within 1,000 feet of existing Alcoholic Beverage Sales and civic uses in an over-

concentrated area;

Regular Design Review for exterior additions and alterations including

new signage

General Plan: Community Commercial

Zoning: CC-1 Community Commercial Zone-1

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines:

Alterations to and operation of existing facilities; Section 15183 of the State CEQA Guidelines:

Projects consistent with a community plan, general plan or zoning

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Historic Status:

Non-Historic Property

Service Delivery District: City Council District: 6

Date Filed:

March 16, 2011

Action to be Taken:

Decision based on staff report

Finality of Decision: For Further Information:

Appealable to City Council within 10 days

Contact case planner Moe Hackett, Planner II at (510) 238-3973 or mhackett@oaklandnet.com

9.

Location:

Citywide

Proposal:

Discussion of proposed text and map amendments to various parts of the Planning Code, including: 1) updating references, reducing redundancy, and clarifying language in various chapters of the Planning Code; 2) conditionally permitting mini- and microtelecommunications facilities in residential areas of the Central Business District (these facilities are currently outright permitted); 3) amending Chapter 17.112 of the Planning Code to allow crop growing as a home occupation; 4) adjusting the sign regulations in the RU-4 and RU-5 zones to be consistent with other zones on the major transportation corridors; 5) creating an interim combining zone for the core of the Chinatown commercial area, located within the Lake Merritt Station Area planning boundary, that would broaden the range of allowed ground floor uses; and 6) improving consistency among chapters and the maps, including making the adopted height map for the area near Valdez, Harrison and 27th Streets consistent with the zoning ordinance text.

Applicant:

Planning Commission ZT11087, RZ11095

Case File Number: Planning Permits Required:

Zoning Text and Maps Amendments

General Plan:

All General Plan designations

Zoning:

All Zoning districts

Environmental Determination:

The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (1998); the EIRs for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, 15301, 15303, 15304 and/or Section 15305 of

the State CEOA Guidelines.

Service Delivery District:

All Service Delivery districts

City Council District

All City Council districts

Status Action to be Taken:

Hearing by the Planning Commission

For further information:

Recommendation to City Council.

Contact: Neil Gray at 238-3878 or email ngray@oaklandnet.com.

June 15, 2011

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

March 16, April 6, April 27, May 4, 2011

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.

<u>ADJOURNMENT</u>

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

SCOTT MILLER

Zoning Manager

Planning and Zoning Division

Scott Mille

NEXT REGULAR MEETING:

July 6, 2011

^{*}Revised 6-3-11 to clarify the information under the Finality of Decision section for Item #6 (Bentley School Reconsideration Request).