



*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**

**ROLL CALL**

**Present:** Truong, Pattillo, Whales, Zayas-Mart, Colbruno.

**Staff:** Scott Miller, Ed Manesse, Maurice Brenyah-Addow, Leigh McCullen, David Valeska, Heather Klein, Lynn Warner, Moe Hackett, Aubrey Rose, Melissa McDonough, Neil Gray Mark Wald, Cheryl Dunaway.

**WELCOME BY THE CHAIR**

**COMMISSION BUSINESS**

**Agenda Discussion**

All 9 items will be heard at tonight's meeting. Commissioner Colbruno requested staff to give an update on the status of the possible impacts if Governor Brown's proposal to eliminate the Redevelopment Agency is implemented at the next Planning Commission Meeting. Scott Miller stated that he should have an update by the July 20, 2011 Planning Commission Meeting.

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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.



**Director' s Report**

Staff Member Ed Manasse gave a presentation on the status of the Lake Merritt Station Area Plan and answered questions asked by the Planning Commission.

**Commission Matters**

Scott Miller announced that the Planning Commission will vote for Planning Commission Chair and Vice Chair committee assignments at the July 6, 2011 Planning Commission Meeting.

**OPEN FORUM**

**Speakers:** Jim Dexter, Sheila Hong, Cecilia Ayala, Anabel Flores, Prince Balogun, Segun Adenola, Sanjiv Handa, Aaron Lehman.

**CONSENT CALENDAR**

Item #1 moved on consent of the Planning Commission.

1.	<b>Location:</b>	<b>Ettrick Street (located in the Public Right-of-Way adjacent to 11300 Ettrick Street ); APN: 048-6266-008-00</b>
	<b>Proposal:</b>	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.
	<b>Applicant:</b>	Dana Aquirre / T-Mobile
	<b>Contact Person/Phone Number:</b>	Dana Aquirre (925)784-7888
	<b>Owner:</b>	Pacific Gas & Electric
	<b>Case File Number:</b>	<b>DR10-320</b>
	<b>Planning Permits Required:</b>	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.
	<b>General Plan:</b>	Hillside Residential
	<b>Zoning:</b>	RH-2 Hillside Residential Zone -2
	<b>Environmental Determination:</b>	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.
	<b>Historic Status:</b>	No Historic Record
	<b>Service Delivery District:</b>	6
	<b>City Council District:</b>	7
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision of Application
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For Further Information:</b>	Contact case planner Moe Hackett at (510) 238-3973 or by email: <a href="mailto:mhackett@oaklandnet.com">mhackett@oaklandnet.com</a>

Staff Member Scott Miller gave a brief presentation.



**Applicant:** Maria Miller answered questions asked by the Planning Commission.

Commissioner Pattillo made a motion to approve, seconded by Commissioner Whales. Action on the matter: Approved 6 ayes, 0 noes.

**PUBLIC HEARINGS**

2.	<b>Location:</b>	<b>Totterdell Street (located in the Public Right-of-Way adjacent to 3040 Totterdell Street ); APN: 048D-7289-018-00</b>
	<b>Proposal:</b>	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.
	<b>Applicant:</b>	Extenet Systems
	<b>Contact Person/Phone Number:</b>	Rick Hirsch/(415)337-7826
	<b>Owner:</b>	Pacific Gas & Electric
	<b>Case File Number:</b>	<b>DR10-325</b>
	<b>Planning Permits Required:</b>	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.
	<b>General Plan:</b>	Hillside Residential
	<b>Zoning:</b>	RH-4, S-4 Hillside Residential Zone-4, Design Review Combining Zone Regulations
	<b>Environmental Determination:</b>	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.
	<b>Historic Status:</b>	No Historic Record
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	4
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision of Application
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For Further Information:</b>	Contact case planner Moe Hackett at (510) 238-3973 or by email: <a href="mailto:mhackett@oaklandnet.com">mhackett@oaklandnet.com</a>

Staff Member Scott Miller gave a brief presentation.

**Speaker:** Michael Berger.

**Applicant:** Rick Hirsch answered questions asked by the Planning Commission concerning the consideration of another location for the pole. Planning Commission suggested that the applicant plant a fast growing shrub to hide the upper pole antenna and work with neighbors in the area to discuss sharing the maintenance of the shrub if such planting was determined feasible.

Commissioner Colbruno made a motion to approve with a friendly amendment given by Commissioner Zayas- Mart, seconded by Commissioner Whales.  
Action on the matter: Approved 6 ayes, 0 noes.



3.	<b>Location:</b>	<b>3131 Union Street (See map on reverse)</b>
	<b>APN :</b>	005-0461-001-00
	<b>Proposal:</b>	To replace existing athletic field lighting with new lighting.
	<b>Applicant:</b>	City of Oakland
	<b>Contact Person /Phone No.:</b>	Ali Schwartz (510)238-7310
	<b>Case File Number:</b>	<b>VM11-035</b>
	<b>Planning Permits Required:</b>	Major Variance to allow new 60-foot tall athletic lights at a neighborhood park.
	<b>General Plan:</b>	Urban Open Space
	<b>Zoning:</b>	OS ( NP) Open Space Zone (Neighborhood Park)
	<b>Environmental Determination:</b>	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
	<b>Historic Status:</b>	Potentially Designated Historic Properties; Survey Rating D2+
	<b>Service Delivery District:</b>	1
	<b>City Council District:</b>	3
	<b>Date Filed:</b>	March 4, 2011
	<b>Status:</b>	Pending.
	<b>Action to be taken:</b>	Decision on application based on staff report
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For further information:</b>	Contact case planner <b>Maurice Brenyah-Addow</b> at (510) 238-6342 or by email at: <a href="mailto:mbrenyah@oaklandnet.com">mbrenyah@oaklandnet.com</a>

Commissioner Pattillo recused herself from hearing this item.

Staff Member Maurice Brenyah-Addow gave a presentation.

Commissioner Galvez made a motion to approve, seconded by Commissioner Zayas-Mart.  
Action on the matter: Approved 5 ayes, 0 noes.

4.	<b>Location:</b>	<b>5000 Redwood Road</b>
	<b>APN :</b>	037A-3138-001-00
	<b>Proposal:</b>	To replace existing athletic field lighting with new lighting.
	<b>Applicant:</b>	City of Oakland Public Works Department
	<b>Contact Person /Phone No.:</b>	Alison Schwartz (510)238-7310
	<b>Case File Number:</b>	<b>VM11036</b>
	<b>Planning Permits Required:</b>	Major Variance to allow new 60-foot tall athletic field lights at a neighborhood park.
	<b>General Plan:</b>	Urban Open Space
	<b>Zoning:</b>	OS ( NP) Open Space Zone (Neighborhood Park)
	<b>Environmental Determination:</b>	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
	<b>Historic Status:</b>	No Historic Rating
	<b>Service Delivery District:</b>	4
	<b>City Council District:</b>	6
	<b>Date Filed:</b>	March 4, 2011
(Continued on page 5)	<b>Status:</b>	Pending.



(Continued on page 5)

**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](mailto:lmccullen@oaklandnet.com)

Commissioner Pattillo recused herself from hearing this item.

Staff Member Leah McCullen gave a presentation.

Commissioner Galvez made a motion to approve, seconded by Commissioner Whales.  
Action on the matter: Approved 5 ayes, 0 noes.

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  
  
**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 [dvalueska@oaklandnet.com](mailto:dvalueska@oaklandnet.com)

Staff Member David Valeska gave a presentation and answered questions asked by the Planning Commission.

**Speaker:** Bruce Cox.

Commissioner Zayas-Mart made a motion approve, seconded by Commissioner Whales. Action on the matter: Approved 5 ayes, 1 abstention (Truong).



6. **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.
- (continued on page 8)



(continued from page 7)

**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) 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
- 2) 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](mailto:hklein@oaklandnet.com).

Staff Member Heather Klein gave a presentation and answered questions asked by the Planning Commission.

**Applicant:** Annie Mudge, attorney for the applicant gave a presentation.

**Speakers:** Gordon Piper, Howard Matis, Jim Dexter, Sanjiv Handa.

Planning Commission recommended that this item be continued to a date uncertain.

Commissioner Colbruno made a motion to grant reconsideration to a date determined by staff, seconded by Commissioner Whales. Action on the matter: Continued to a date determined by staff 6 ayes, 0 noes.



7.	<b>Location:</b>	4311-4317 Macarthur Boulevard (APN 030-1982-121-00 through 030-1982-123-00)
	<b>Project Title:</b>	High and Macarthur Mixed-Use Project
	<b>Proposal:</b>	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.
	<b>Applicant:</b>	AMG and Associates, LLC
	<b>Contact Person/Phone Number:</b>	Alexis Gevorgian/(818) 380-2600
	<b>Owner:</b>	Hahn Development, LLC/Hahn & Kang Equity I
	<b>Case File Numbers:</b>	CMDV10-312; ER10-0001
	<b>Planning Permits Required:</b>	Major Conditional Use Permit, Design Review, Major Variance, Parcel Map Waiver
	<b>General Plan:</b>	Neighborhood Center Mixed Use
	<b>Applicable Zoning:</b>	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)
	<b>Environmental Determination:</b>	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.
	<b>Historic Status:</b>	Not a Potential Designated Historic Property (PDHP); Survey rating: X
	<b>Service Delivery District:</b>	4
	<b>City Council District:</b>	4
	<b>Date Filed:</b>	March 5, 2010
	<b>Status:</b>	Pending
	<b>Action to Be Taken:</b>	Comments on the scope of the EIR. No decisions will be made on the project at this hearing.
	<b>Staff Recommendation:</b>	Take public testimony concerning the scope of the EIR and provide direction to staff.
	<b>For Further Information:</b>	Contact the case planner, Lynn Warner, at (510) 238-6983 or by email at <a href="mailto:lwarnar@oaklandnet.com">lwarnar@oaklandnet.com</a> .

Staff Member Lynn Warner gave a presentation and answered questions asked by the Planning Commission.

**Speakers:** Alexis Gevorgian, Kevin Rath, John Berg, Sanjiv Handa.

Scoping Session: Planning Commission made recommendations about aesthetics, townhomes and having a two part building instead of one long building. Some Planning Commissioners also expressed their displeasure of the building design and is concerned about the pedestrian safety due to heavy vehicle traffic and senior citizens walking in the area.

City Attorney Mark Wald addressed the pedestrian safety concern and explained the process to the Planning Commission if this project is recommended to go before Design Review Committee and also informed them of the Draft EIR process and this no vote scoping session.





8.	<b>Location:</b>	<b><u>Eastmont Town Center</u></b> <b>7200 Bancroft Avenue</b>
	<b>Assessor's Parcel Number:</b>	<b>039 -3299-001-02</b>
	<b>Proposal:</b>	<b>Establishment of a CVS Pharmacy within shell (southern most end) of the existing Eastmont Town Center</b> 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, re-striping of parking at 73 <sup>rd</sup> Avenue, and new landscaping, lighting and signage.
	<b>Applicant:</b>	Alexis Pelosi /Sheppard Mullin Richter & Hampton
	<b>Contact Person/</b>	Alexis Pelosi /
	<b>Phone Number:</b>	(415) 774-2974
	<b>Owner:</b>	Eastmont Oakland Associates, LLC
	<b>Case File Numbers:</b>	<b>CMDV11-047</b>
	<b>Planning Permits Required:</b>	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
	<b>General Plan:</b>	Community Commercial
	<b>Zoning:</b>	CC-1 Community Commercial Zone-1
	<b>Environmental Determination:</b>	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
	<b>Historic Status:</b>	Non-Historic Property
	<b>Service Delivery District:</b>	5
	<b>City Council District:</b>	6
	<b>Date Filed:</b>	March 16, 2011
	<b>Action to be Taken:</b>	Decision based on staff report
	<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>
	<b>For Further Information:</b>	Contact case planner <b>Moe Hackett, Planner II</b> at (510) 238-3973 or <a href="mailto:mhackett@oaklandnet.com">mhackett@oaklandnet.com</a>

Staff Members Moe Hackett and Aubrey Rose gave a presentation.

**Applicant:** Alexis Pelosi gave a presentation and answered questions, with the assistance of David Greensfelder, asked by the Planning Commission.

**Speakers:** David Greensfelder, Sanjiv Handa.

Planning Commission raised questions and concerns about the square footage of the location where the alcohol will be sold and stored, will the dumpster area be enclosed or not and the number of full time and part time jobs created on completion of this project. Planning



Commission also recommended that there be some sort of decorative wall extending from the 73<sup>rd</sup> Avenue side to the front of the dumpster area and plant trees approximately 25 to 30 feet apart to block the unsightly view of the dumpster area.

Commissioner Whales made a motion for approval with revised conditions, seconded by Commissioner Zayas-Mart. Action on the matter: Approved 6 ayes, 0 noes.

Scott Miller asked for clarification on the Planning Commission's recommendation pertaining to the additional landscaping and planting trees, screening wall along side the 73<sup>rd</sup> Avenue elevation and the extension of the store hours after 6 months of operation. Applicant David Greensfelder made an alternative recommendation that would improve on the Planning Commission's recommendation which were accepted by the Planning Commission prior to vote.

9.	<b>Location:</b>	<b>Citywide</b>
	<b>Proposal:</b>	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 micro-telecommunications 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 City's 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 27 <sup>th</sup> Streets consistent with the zoning ordinance text.
	<b>Applicant:</b>	Planning Commission
	<b>Case File Number:</b>	ZT11087, RZ11095
	<b>Planning Permits Required:</b>	Zoning Text and Maps Amendments
	<b>General Plan:</b>	All General Plan designations
	<b>Zoning:</b>	All Zoning districts
	<b>Environmental Determination:</b>	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 CEQA Guidelines.
	<b>Service Delivery District:</b>	All Service Delivery districts
	<b>City Council District</b>	All City Council districts
	<b>Status</b>	Hearing by the Planning Commission
	<b>Action to be Taken:</b>	Recommendation to City Council.
	<b>For further information:</b>	Contact: Neil Gray at 238-3878 or email ngray@oaklandnet.com.

Staff Member Melissa McDonough gave a presentation.



**Speakers:** Esperanza Pallana, George Ong, Colleen Patrick-Goudreau, Zack Reidman, Sanjiv Handa.

Commissioner Whales made a motion to approve, seconded by Commissioner Pattillo.  
Action on the matter: Approved 6 ayes, 0 noes.

***COMMISSION BUSINESS***

**Approval of Minutes**

March 16<sup>th</sup> and April 6<sup>th</sup> Minutes were approved by unanimous vote of the Planning Commission. The April 27<sup>th</sup> and May 4<sup>th</sup> minutes approval will be held and brought before the Planning Commission at a later meeting to be determined.

**ADJOURNMENT**

Meeting adjourned at approximately 10:00 P.M.

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

***NEXT REGULAR MEETING:*** July 6, 2011