



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

June 6, 2012
Regular Meeting

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.

Council Chambers, 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 Chair. Persons wishing to address the continued item may do so under Open Forum.

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 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

Committee Reports

Commission Matters Discussion of dates for upcoming Planning Commission and Committee meetings

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.

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| 1. | Location: 3431 Foothill Boulevard (Mercy Retirement & Care Center) |
| Assessor's Parcel Number: | 033 -2127-015-01 |
| Proposal: | To modify a telecommunications facility. The facility is located on the rooftop of a 6-story building and consists of 9 unconcealed antennas at 3 locations and 3 equipment cabinets at 1 location. Proposed modifications are to screen all antenna locations, replace 3 antennas with larger units, remove 6 antennas, and replace all cabinets. |
| Applicant / | Sam Savig / Streamline Engineering and Design |
| Phone Number: | (916) 622-3737 |
| Owner: | Mercy Retirement & Care Center |
| Case File Number: | CMDV11189 |
| Planning Permits Required: | Major Conditional Use Permit for expansions to a Macro telecommunications facility located within 300 feet of a residential zone;
Regular Design Review for modifications to a Macro facility;
Minor Variance for not meeting required 1:1 height/roofline setback |
| General Plan: | Institutional |
| Zoning: | CN-3 Neighborhood Commercial Zone – 3
(rear of property is located within the RM-3 Zone) |
| Environmental Determination: | Exempt, Section 15301 of the State CEQA Guidelines:
Existing Facilities;
Section 15183 of the State CEQA Guidelines:
Project consistent with a Community Plan, General Plan or Zoning |
| Historic Status: | Non-historic property |
| Service Delivery District: | IV |
| City Council District: | 5 |
| Date Filed: | September 29, 2011 |

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Staff Recommendation: Decision based on staff report
Finality of Decision: Appealable to City Council within 10 days
For Further Information: Contact case planner **Aubrey Rose, AICP, Planner II** at (510) 238-2071 or arose@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. | Project Name: Sound Room/BAJA Network |
| | Location: 2147 Broadway (APN008-0648-001-00) |
| | Proposal: Allow Alcoholic Beverage Sales Activity/nightclub |
| | Contact Person/Phone Number: Robert Bradsby (415) 994-3501 |
| | Owner: Rosen & Laurie Cooperman |
| | Case File Number: CM12-041 |
| | Planning Permits Required: Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity and Group Assembly (nightclub), a 7,500 square foot existing space in a building in Uptown Oakland |
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General Plan: Central Business District
Zoning: CBD-P Central Business District-Pedestrian Retail Commercial Zoning District
Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303
Historic Status: Potential Designated Historic Property, rated Ec3, no particular interest/potentially secondary importance
Service Delivery District: Metro
City Council District: 3
Commission Action to Be Taken: Approve Staff Recommendation
Finality of Decision: Appealable to City Council within 10 days
For Further Information: Contact **David Valeska** at (510) 238-2075 or dvalueska@oaklandnet.com

3. **Project Name:** Manny' s Club
Location: 2120 Broadway (APN008-0650-004-00)
Proposal: Allow Alcoholic Beverage Sales Activity/nightclub
Contact Person/Phone Number: Manuel Cabello (510) 710-6772/452-0200
Owner: Manuel & Dana Cabello
Case File Number: CM12-003
Planning Permits Required: Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity and Group Assembly (nightclub), a 7,145 square foot existing building area in Uptown Oakland
General Plan: Central Business District
Zoning: CBD-P Central Business District-Pedestrian Retail Commercial Zoning District
Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303
Historic Status: Not a Potential Designated Historic Property
Service Delivery District: Metro
City Council District: 3
Commission Action to Be Taken: Approve Staff Recommendation
Finality of Decision: Appealable to City Council within 10 days
For Further Information: Contact **David Valeska** at (510) 238-2075 or dvalueska@oaklandnet.com



4.	<p>Project Name: St John's Episcopal Church - Parking, Bridge, and New Sanctuary Expansion</p> <p>Location: 1707 Gouldin Road, 1715 Gouldin Road, 5928 Thornhill Drive, 5914 Thornhill Drive, and 1676 Alhambra Lane (APN: 048F-7390-004-09, 048F-7390-001-01, 048F-7390-003-03, 048F-7390-001-13, 048F-7390-001-18)</p> <p>Proposal: Demolition of an existing single family dwelling, abandon a portion of the shared access road with 5940 Thornhill and 1675 Gouldin Road, construct a new access bridge over Temescal Creek, reconfigure the site circulation and parking, and remove 65 trees, 56 of which fall under the City of Oakland tree preservation ordinance under Phase 1. Phase 2 would involve construction of a new sanctuary building between 5,000 and 5,500 square feet and site improvements. The existing sanctuary building would be converted into a community hall, fellowship space.</p> <p>Contact Person/Phone Number: St John's Episcopal Church, Jerry Moran, Project Liaison (510)531-0980</p> <p>Owner: St John's Episcopal Church</p> <p>Case File Number: ER08-0001; CMD06-546; TPM9327; CP06-151; T06-141</p> <p>Planning Permits Required: Major Conditional Use Permit involving projects over 1 acre, Regular Design Review, Tentative Parcel Map to merge 5 lots into 4, and Creek Protection Permit (Category IV); and Tree Removal Permit</p> <p>General Plan: Hillside Residential</p> <p>Zoning: RH-4 Hillside Residential Zone, effective November 3, 2011 (The zoning when the application was deemed complete was R-30 One-Family Residential Zone)</p> <p>Environmental Determination: A Notice of Preparation for an EIR and an Initial Study were published on March 8, 2008. A Draft Environmental Impact Report (DEIR) was published for a 45-day review period from November 17, 2010 to January 3, 2011. The Final EIR will be published on May 25, 2012.</p> <p>Historic Status: There are no CEQA historic resources on the project site.</p> <p>Service Delivery District: II</p> <p>City Council District: 4</p> <p>Action to be Taken: Adopt the CEQA findings, including Certification of the Environmental Impact Report, and decision on the application based on staff report.</p> <p>Finality of Decision: Appealable to City Council within 10 days.</p> <p>For Further Information: Contact case planner Caesar Quitevis at (510) 238-6343 or by email: cquitevis@oaklandnet.com</p>
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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

April 4, 2012 & May 2, 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.

Scott Miller, for

ROBERT MERKAMP
Acting Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: June 20, 2012