



Chris Pattillo, Chair  
Jonelyn Whales, Vice-Chair  
Jahaziel Bonilla  
Michael Coleman  
Jim Moore  
Emily Weinstein

**June 19, 2013**  
**Regular Meeting**

Revised 6-10-13\* (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, 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 3<sup>rd</sup> 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](http://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](mailto:cdunaway@oaklandnet.com) or 510-238-2912 or Gwen Brown at [gbrown@oaklandnet.com](mailto: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 Summer Meeting Schedule**

**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.	<b>Location:</b>	<b>The public Right of Way in front of 6837 Aitken Drive Adjacent APN: (048D-7309-011-00)</b>
	<b>Proposal:</b>	To install a wireless telecommunication facility (AT&T wireless) on an existing 34' high PG&E utility pole located in public right-of-way: Install two panel antennas (approximately two-feet long and ten-inches wide mounted onto a seven-foot tall extension affixed on top of the pole; an associated equipment box; one battery backup and meter boxes within a 6' tall by 18" wide singular equipment box attached to the pole at 8' height above ground.
	<b>Applicant:</b>	New Cingular Wireless PCS, LLC./AT&T Mobility
	<b>Contact Person/Phone Number:</b>	Matthew Yergovich (415)596-3474
	<b>Owner:</b>	Pacific Gas & Electric PG&E
	<b>Case File Number:</b>	<b>DR13-036</b>
	<b>Planning Permits Required:</b>	Major Design Review to install a wireless Telecommunication Macro Facility to on existing PG&E pole located in the public right of way in a residential zone.
	<b>General Plan:</b>	Hillside Residential
	<b>Zoning:</b>	RH-4 Hillside Residential Zone
	<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	<b>Historic Status:</b>	Not a Potential Designated Historic Property; Survey Rating: N/A
	<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 <b>Michael Bradley</b> at <b>(510) 238-6935</b> or by email: <b>mbradley@oaklandnet.com</b>



2.

**Location:** 2432 Monterey Boulevard  
**Assessor's Parcel Number:** 029A-1330-030-00  
**Proposal:** To establish a wireless telecommunications facility for cellular purposes at an existing PG&E tower (approx. 83 feet). Nine 6-foot antennas would be attached to the tower between 27-83 feet (approx). Equipment cabinets would be ground mounted in a 17 ft square area (approx) at the tower base surrounded by a 6 foot tall fence. The project replaces a telecom site to be removed across Highway 13 on Mountain Blvd. at Ascot Dr.

**Federal law exempts the City's review from including consideration of health concerns when a satisfactory emissions report is submitted**

**Applicant /** David Snypes/Smartlink (for: AT&T)  
**Phone Number:** (925) 519-5081  
**Owner:** PG&E  
**Case File Number:** CMD13-086  
**Planning Permits Required:** Major Conditional Use Permit with additional findings for a Macro Telecommunications Facility in a Residential Zone;  
Regular Design Review with additional findings  
**General Plan:** Hillside Residential  
**Zoning:** RH-4 Hillside Residential Zone  
**Environmental Determination:** Exempt, 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  
**Historic Status:** Non historic property  
**Service Delivery District:** 4  
**City Council District:** 4  
**Date Filed:** March 13, 2013  
**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 **Aubrey Rose, AICP, Planner II**  
at (510) 238-2071 or [arose@oaklandnet.com](mailto: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.

**PLEASE NOTE: ITEM #3, BELOW WAS CONTINUED FROM THE APRIL 17, 2013 COMMISSION MEETING TO JUNE 19, 2013. HOWEVER AT THIS TIME STAFF IS NOT READY TO PRESENT THE CASE FOR DECISION**

<b>3.</b>	<b>Project Name:</b>	<b>BeautiFleaPeople Market</b>
	<b>Location:</b>	<b>Castro Street at 7<sup>th</sup> Street (APN001-0221-014-01)</b>
	<b>Proposal:</b>	<b>Allow Flea Market/Farmers Market to have Fast Food and Entertainment</b>
	<b>Contact Person/Phone Number:</b>	<b>Manuel Riley (510) 541-7289</b>
	<b>Owner:</b>	<b>Caltrans</b>
	<b>Case File Number:</b>	<b>CM12-254</b>
	<b>Planning Permits Required:</b>	<b>Major Conditional Use Permit to allow Group Assembly with Entertainment and Fast Food, (Total 3 Acres) in West Oakland</b>
	<b>General Plan:</b>	<b>Business Mix</b>
	<b>Zoning:</b>	<b>CIX-1 Commercial Industrial Mix Zoning District, S-19 Combining Zoning District</b>
	<b>Environmental Determination:</b>	<b>Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301, 15332</b>
	<b>Historic Status:</b>	<b>Not a Potential Designated Historic Property (vacant lots)</b>
	<b>Service Delivery District:</b>	<b>1</b>
	<b>City Council District:</b>	<b>3</b>
	<b>Commission Action to Be Taken:</b>	<b>Approve Staff Recommendation</b>
	<b>Appeal:</b>	<b>To City Council</b>
	<b>For Further Information:</b>	<b>Contact David Valeska at (510) 238-2075 or <a href="mailto:dvalaska@oaklandnet.com">dvalaska@oaklandnet.com</a></b>

**PLEASE NOTE: ITEM # 4, BELOW, HAS BEEN REMOVED FROM THIS AGENDA**

<b>4.</b>	<b>Location:</b>	<b>Portion of site (Parcel B) bounded by Broadway, 23<sup>rd</sup> Street, Valley Street, and 24<sup>th</sup> Street (Parcel A is under construction).</b>
	<b>Proposal:</b>	<b>Public hearing related to proposed revision to adopted Planned Unit Development for site (proposed revisions include decreased residential units, increase in commercial space, new site planning and related changes).</b>
	<b>Applicant:</b>	<b>Signature Development Group (510) 251-9270 (Jamie Choy)</b>
	<b>Owner:</b>	<b>Signature Development Group</b>

(continued on page 6)



(continued from page 5)

**Planning Permits Required:** Revision to PUD, Design Review, Minor CUP for Fast Food and Auto Fee Parking, minor variance for unenclosed facility for auto-fee parking; addendum to certified 2004 EIR

**General Plan:** Community Commercial

**Zoning:** CC-2 Community Commercial Zone; D-BR Broadway Retail Frontage District Interim Combining Zone

**Environmental Determination:** Final EIR certified on December 1, 2004; revisions, as required under CEQA

**Historic Status:** Site includes five buildings considered historic resources under CEQA

**Service Delivery District:** II—North Oakland/North Hills

**City Council District:** 3—Gibson McElhaney

**For further information:** Contact case planner Catherine Payne at 510-238-6168 or by email at [cpayne@oaklandnet.com](mailto:cpayne@oaklandnet.com)

5. **Location:** 135 12<sup>th</sup> Street (APN: 002-0087-003-00)

**Proposal:** To convert a full-service restaurant (former Oasis) to a bar.

**Applicant:** Daniel Cukiernan/Shattuck Down Low, Inc

**Contact Phone Number:** (510) 220-5908

**Owner:** Beroak Brothers, LLC

**Case File Number:** CM13-156

**Planning Permits Required:** Major Conditional Use Permit to operate an Alcoholic Beverage Sales Activity at an existing commercial building.

**General Plan:** Central Business District

**Zoning:** Central Business District Mixed Commercial Zone

**Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities;  
Section 15183 of the State CEQA Guidelines: Projects consistent with a General plan, Community Plan, or Zoning

**Historic Status:** Potential Designated Historic Property (PDHP);  
Survey Rating: C3, Secondary Importance

**Service Delivery District:** Metro

**City Council District:** 2

**Date Filed:** April 11, 2013

**Action to be Taken:** Decision on Application Based on Staff Report Analysis

**Finality of Decision:** Appealable to the City Council within 10-days

**For Further Information:** Contact Case Planner Mike Rivera at (510) 238-6417 or by email: [mrivera@oaklandnet.com](mailto:mrivera@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.

6.	<b>Location:</b>	386 14 <sup>th</sup> Street (APN: 008-0624-041-00)
	<b>Proposal:</b>	Appeal of the Zoning Manager's denial of an application to establish a Health Care Civic Activity (Medical Clinic) on the ground floor of an existing building.
	<b>Original Applicant / Contact:</b>	MWA Architects - Emmanuelle Anum / (510) 379-1441
	<b>Appellant / Contact:</b>	MWA Architects - Emmanuelle Anum / (510) 379-1441
	<b>Property Owner:</b>	1404 Franklin Street Partners
	<b>Case File Number:</b>	A13-110
	<b>Original Case File Number:</b>	CU12-250
	<b>Planning Permits Required:</b>	Conditional Use Permit to establish a Health Care Civic Activity (Medical Clinic) on the ground floor of an existing building within the CBD-P zone.
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	CBD-P Central Business District Pedestrian Retail Commercial Zone
	<b>Environmental Determination:</b>	Exempt, Section 15270 of the State CEQA Guidelines; disapproval of a project. Exempt, Section 15301 of the State CEQA Guidelines; minor alteration 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>	Designated Historic Property; Survey rating: B+1+
	<b>Service Delivery District:</b>	Metro
	<b>City Council District:</b>	3
	<b>Status:</b>	Application approved by Zoning Manager on April 5, 2013; Appealed April 12, 2013.
	<b>Staff Recommendation:</b>	Deny the appeal and uphold the Zoning Administrator's denial
	<b>Finality of Decision:</b>	Final (Not Appealable Pursuant to OMC Sec. 17.134.060)
	<b>For Further Information:</b>	Contact case planner Michael Bradley at (510) 238-6935 or by email: <a href="mailto:mbradley@oaklandnet.com">mbradley@oaklandnet.com</a>

**PLEASE NOTE: ITEM #7, BELOW, HAS BEEN REMOVED FROM THIS AGENDA**

7.

**Location:** 4137 Piedmont Avenue (APN: 012-0994-009-01)**Proposal:** An appeal of the Zoning Manager's decision to approve a revision (REV12-016) to a Conditional Use Permit (CMD94-110) that increased operating hours for a dance and martial arts instruction activity 8am to 8 pm everyday ( hours increased from 9:30 am to 7 pm Monday through Friday, 9 am to 1 pm Saturdays and no Sunday hours) for a 2,800 square foot space at the rear of an existing commercial building;

The application #REV12016 was submitted on November 13, 2012, and approved on April 29, 2013

**Appellant /Applicant:** Marcelo Pereira, Capoeira Institute**Phone Number:** (510) 460-5008**Owner:** Miracles Happen CA LLC**Case File Number:** A13-137**Planning Permits Required:** Revision to amend a Major Conditional Use Permit for expansion of operating hours for a Personal Instruction and Entertainment Activity in the CN-1 Zone**General Plan:** Neighborhood Center Commercial**Zoning:** CN-1 Neighborhood Center Commercial Zoning District Zone**Environmental Determination:** Approval April 29, 2013

Exempt, Section 15301 of the State CEQA Guidelines:

Existing Facilities (operation)

Section 15183 of the State CEQA Guidelines:

Projects Consistent with a Community Plan, General Plan or Zoning

**Historic Status:** Potential Designated Historic Property, minor importance, potentially secondary importance, potentially secondary importance or superior example, rating De3**Service Delivery District:** 2**City Council District:** 1**Date Filed:** May 9, 2013**Staff Recommendation:** Deny the appeal and uphold the Zoning Manager's decision**Finality of Decision:** Final (Not Appealable pursuant to OMC Sec. 17.132.060)**For Further Information:** Contact case planner **David Valeska, Planner II** at (510) 238-2075 or [arose@oaklandnet.com](mailto:arose@oaklandnet.com)**COMMISSION BUSINESS**

Approval of Minutes

May 1, May 15, 2013

Correspondence

City Council Actions





**ADJOURNMENT** 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

***NEXT REGULAR MEETING:*** July 17, 2013

\*Revised 6-3-13 to remove Item #4 (Broadway/West Grand) from this Agenda, and also to add the Summer Schedule of Meetings under *Commission Matters*.

\*Revised 6-10-13 to remove Item #7 (4137 Piedmont Avenue) from this Agenda.