



# **Oakland City Planning Commission**

## **Minutes**

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

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

### **ROLL CALL**

**Present:** Pattillo, Bonilla, Coleman, Moore, Weinstein.

**Excused:** Whales.

**Staff:** Rachel Flynn, Scott Miller, Christina Ferracane, Michael Bradley, Mike Rivera, Celena Chen, Cheryl Dunaway.

### **WELCOME BY THE CHAIR**

#### **Agenda Discussion**

Item numbers 3 and 4 were pulled from this agenda.

#### **Director's Report**

Director Flynn gave a informational status report on the Planning Commission Training Guides have been handed out, the Estuary and Zoning Plans have been approved and the hiring of a new Building Official who will start work on July 8, 2013.

#### **Committee Reports**

Chair Pattillo stated that she attended an informational workshop for the West Oakland Specific Plan at the Training Center where a presentation was given on the economic component. This provided attendees the opportunity to pose questions and make comments.

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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.***

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**Commission Matters**

Staff Member Christina Ferracane gave a report on the Lake Merritt Area Plan process, and the development of the area within the next 25 years.

Commissioner Weinstein asked that all of the Planning Commissioners be included on all email notifications concerning workshops and meetings pertaining to the Lake Merritt Area Plan. Commissioners Weinstein and Moore volunteered to be alternates to attend the workshops/meetings.

Mr. Miller explained that staff would have to be notified in advance if more than 3 Planning Commissioners will be in attendance so that it may be included in the agenda and announced as a Special Planning Commission Meeting.

Mr. Miller discussed the Planning Commission Summer Meeting Schedule, and offered alternative dates to the current schedule. Recommended that the July 3, 2013 scheduled Planning Commission Meeting be moved to July 31, 2013, August 21, 2013 meeting be cancelled due to Summer Recess, August 28, 2013 proposed meeting date to replace the September 4, 2013 meeting which is in conflict with Rosh Hashanah Holiday.

Chair Pattillo asked if the large staff report was being broken down into smaller sections on the website.

Scott replied stating that the large staff reports with attachments are now being broken down into sections and placed onto the website in order for it to be easily accessible for viewing.

**CONSENT CALENDAR**

Items 1 and 2 were moved on consent of the Planning Commission.

Commissioner Moore made a motion to approve, seconded by Commissioner Coleman.

Action on the matter: Approved 5 ayes, 0 noes.



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>

Commissioner Moore made a motion to approve, seconded by Commissioner Coleman.

Action on the matter: Approved 5 ayes, 0 noes.



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)

Commissioner Moore made a motion to approve, seconded by Commissioner Coleman.

Action on the matter: Approved 5 ayes, 0 noes.

**PUBLIC HEARINGS**

**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>BeautiFleaPeopleMarket</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:dvalueska@oaklandnet.com">dvalueska@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>
	<b>Planning Permits Required:</b>	<b>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</b>
	<b>General Plan:</b>	<b>Community Commercial</b>
	<b>Zoning:</b>	<b>CC-2 Community Commercial Zone; D-BR Broadway Retail Frontage District Interim Combining Zone</b>
	<b>Environmental Determination:</b>	<b>Final EIR certified on December 1, 2004; revisions, as required under CEQA</b>
	<b>Historic Status:</b>	<b>Site includes five buildings considered historic resources under CEQA.</b>
	<b>Service Delivery District:</b>	<b>II—North Oakland/North Hills</b>
	<b>City Council District:</b>	<b>3—Gibson McElhaney</b>
	<b>For further information:</b>	<b>Contact case planner Catherine Payne at 510-238-6168 or by email at <a href="mailto:cpayne@oaklandnet.com">cpayne@oaklandnet.com</a></b>



5.	<b>Location:</b>	135 12 <sup>th</sup> Street (APN: 002-0087-003-00)
	<b>Proposal:</b>	To convert a full-service restaurant (former Oasis) to a bar.
	<b>Applicant:</b>	Daniel Cukiernan/Shattuck Down Low, Inc
	<b>Contact Phone Number:</b>	(510) 220-5908
	<b>Owner:</b>	Beroak Brothers, LLC
	<b>Case File Number:</b>	CM13-156
	<b>Planning Permits Required:</b>	Major Conditional Use Permit to operate an Alcoholic Beverage Sales Activity at an existing commercial building.
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	Central Business District Mixed Commercial Zone
	<b>Environmental Determination:</b>	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
	<b>Historic Status:</b>	Potential Designated Historic Property (PDHP); Survey Rating: C3, Secondary Importance
	<b>Service Delivery District:</b>	Metro
	<b>City Council District:</b>	2
	<b>Date Filed:</b>	April 11, 2013
	<b>Action to be Taken:</b>	Decision on Application Based on Staff Report Analysis
	<b>Finality of Decision:</b>	Appealable to the City Council within 10-days
	<b>For Further Information:</b>	Contact Case Planner <b>Mike Rivera</b> at (510) 238-6417 or by email: <a href="mailto:mriviera@oaklandnet.com">mriviera@oaklandnet.com</a> .

Staff Member Mike Rivera gave a presentation.

Chair Pattillo inquired about the history of this property showing any problems.

Mr. Rivera replied stating that he hasn't heard of any complaints against this property or the previous operators.

**Applicant:** Daniel Cukierman gave a presentation.

Chair Pattillo recommended that the vehicular gate be relocated to address the graffiti problems.

Commissioners Moore, Bonilla and Coleman are all pleased with this project proposal plan.

Chair Pattillo asked if there is a tree well or a hole in the sidewalk. If it is a tree well, why isn't a tree planted there?

Mr. Rivera responded stating that it's not a tree well due to the small size of the hole and doesn't believe that the Public Works Agency would allow a tree to be planted at that location.

Chair Pattillo stated that she would like to add a condition that the gate be moved close to the sidewalk.



Commissioner Coleman made a motion to approve, seconded by Commissioner Bonilla.

Action on the matter: Approved 5 ayes, 0 noes.

### APPEALS

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>

Staff Member Michael Bradley gave a presentation.

Commissioner Weinstein would like to know some of the history about this property such as; the amount of tenants currently occupying the property and the amount of tenants that previously occupied this space.

Mr. Miller responded stating that there is currently one tenant and three vacancies at the project property.

**Appellant:** Charles Wall and Dr. Muntu Davis presented their argument in support of the applicants.

Commissioner Coleman asked if they intended on moving an existing clinic to the facility or a new business.



Dr. Davis responded stating that this will be a new business moving into the property.

Commissioner Bonilla asked for Dr. Davis for clarity on the disability mobility issue.

Dr. Davis explained the various types of disabilities that would be classified as a disability in which social services are available for those clients.

Commissioner Moore inquired about the clients reside in Oakland or from all areas.

Dr. Davis responded stating that most of their clients reside in Oakland, but some come from other areas as well.

Commissioner Weinstein inquired about the amount of clients and employees that are anticipated on visiting and working at the facility.

Dr. Davis stated that there will be approximately 25 employees and roughly 1,300 client visits per year.

**Speakers:** Naomi Schiff, Brian Kendall, Dr. Kam Tam, David Wagonner, Austin Dillon, Ann Rubinstein, Lauren Levy, Ami Moe, David McGee, Steve Weiss, Kris Chappell, Mark Smith, Dr. Samuel Weeks, Larry Westland.

Mr. Miller clarified why staff denied this application. Staff doesn't think that the use isn't good, and appreciates the intent of the appellant's use and the great work they do. It was based solely on zoning changes made in 2008 approved by prior Planning Commission and City Council's adoption of a limitation. It specified the use on the ground floor along 14th Street was to be treated in a special manner in which a conditional use permit (CUP) is required for non-retail, non-restaurant use, such as medical clinics. There are a few streets in Oakland that have this special designation, including 14th Street. The 14th Street pedestrian corridor zoning was changed when the Central Business District was created due to the City of Oakland's goal to create a retail corridor from Broadway towards Lake Merritt. He apologizes if he offended anyone for what was stated in the Staff Report. He also explained the voting process for this appeal to the Planning Commission. Staff is willing to present findings that may assist the Planning Commission with making an informed vote.

Commissioner Coleman inquired about the length of the lease.

Mr. Miller stated that the conditional use permit (CUP) is valid for as long as the property is in existence. Dr. Davis stated that the clinic anticipates occupying the space for as long as possible.

Commissioner Weinstein inquired about the process after the Planning Commission hears public comments.





Chair Pattillo explained that the Planning Commission will now pose questions to staff if desired. Once the questions for staff are concluded, as the chair, she will close public comments and bring the discussion back to the Planning Commission for further discussion.

Mr. Miller reiterated that he will present findings to assist with their voting process if the Planning Commission chooses to accept them into record at tonight's meeting.

Chair Pattillo stated that Mr. Miller previously indicated that one of the objectives to the 2008 zoning changes was to create a link from downtown to Lake Merritt. Is this link made up of a single street or a number of streets that run parallel between downtown and Lake Merritt that are covered by the 2008 zoning changes? If a non-retail use is allowed to occupy this space, would it create a hole in a critical link of the objective?

Mr. Miller explained that 14th Street was one of the east west corridors that were designated in the 2008 zoning changes to link Broadway and Lake Merritt in which it is considered to be one of the main links to encourage pedestrian and retail usage.

Commissioner Bonilla asked if alternative locations in the same area that doesn't have the same zoning requirements for a conditional use permit (CUP) were considered.

Mr. Miller responded stating that there are other locations in the area that doesn't have the same zoning requirements for ground floor usage. He deferred to the applicants to comment on leasing and availability of space.

Commissioner Weinstein inquired about why is retail and restaurant considered the only use that is pedestrian friendly.

Mr. Miller explained that this is not always true. Medical offices aren't viewed as promoting an active streetscape. Most medical offices usually frost out their windows which doesn't lend itself to be a more friendly streetscape, although the use inside may be useful, needed, and necessary. The zoning change doesn't allow medical offices to occupy the ground floor. The conditional use permit (CUP) process does allow exceptions, which the applicants have applied for. Staff disagrees that this type of business is appropriate for this location on the ground floor. There are some instances where staff has supported ground floor medical offices and questions some of the legality of some of those previously discussed that currently have code enforcement issues where proper conditional use permits (CUP) were not obtained. There are some medical offices that were supported to occupy the ground floor in buildings that never had retail businesses.

### **Planning Commission Questions, Comments and Concerns**

Commissioner Coleman stated that he supports the City's desire to have pedestrian access. Since there haven't been any tenants for decades, he would like to see a business occupy this space, and feels that the ground floor would be an appropriate space for this business. He is in support of this appeal.



Commissioner Moore stated that he would like to see some conditions if this project proposal moves forward which will leave some visual access into these spaces so it's not considered a "dead zone". He went on to comment about the negative impacts of non-retail or restaurant uses on ground floor downtown. He would like for the appellants to locate space on the upper level floors and leave the ground floor space for retail or restaurants.

Commissioner Bonilla stated that he is a little conflicted about the need for revenue and investments for the City of Oakland's Planning Division's various visionaries for Oakland in which they've done a lot of work to attract business. He believes in social justice and those that are more vulnerable in society who comes from all walks of life to have services that could assist them. Although this may be a tough decision to make, he is in support of this appeal.

Commissioner Weinstein stated that she also agrees with the intention of the Central Business District – Pedestrian (CBD-P) designation and having a vision for an activated pedestrian friendly first floor along 14<sup>th</sup> Street is a great idea. She isn't convinced that retail and restaurants are the only way to activate a ground floor, and feels that a medical clinic with employees and clients is a great way to activate this space especially since this space hasn't been active in years. She is in support of approving this appeal with conditions around the design of the façade.

Chair Pattillo stated that she is also conflicted and feels that staff and the Planning Commission isn't opposed to the use, the question remains where would be an appropriate location for this particular type of business. She commended Mr. Kendall of the Office of Neighborhood Investment who has been a tremendous asset to the City of Oakland, she trusts that he does know every property owner in the downtown area and that Oakland needs to attract more retail businesses which is what Mr. Kendall is working on doing. This property has been vacant for at least 25 years which makes for an exceptional situation. She is in agreement with her fellow Planning Commissioners that it is not their place to force a property owner to use the space for retail only. As a fellow property owner in the downtown area, she would imagine that this requirement would put the owner in an uncomfortable position. She is in support of this appeal.

Mr. Miller presented draft findings for approval and explained that the Planning Commission would need to vote to accept them into public record.

Commissioner Coleman made a motion to approve the draft findings documentation, seconded by Commissioner Moore.

Action on the matter: Approved 5 ayes, 0 noes.

Mr. Miller gave a brief explanation of what is in the draft findings document.

Chair Pattillo recalled there was a suggestion that the window treatment be activated somehow and prohibit the use of opaque film to cover them. She recommended that an adequate waiting area be added to the plan. She agrees with the suggestion made during public comments that staff work with the appellant to possibly incorporate some retail aspect on the ground level.



Commissioner Bonilla stated that accommodating retail at the proposed project property does seem possible.

Mr. Miller recommended that a requirement adding standard conditions of approval be made as these are usually applied to all permits. There are several standard conditions of approval which includes: indemnification, conformance with approved plans, scope of this approval and allowed changes. For the specific project related conditions pertaining to the window conditions, Mr. Miller drafted a condition on opaque window coverings which would allow opaque covering on the bottom half of the windows only, leaving the upper portion uncovered to allow street scape and interior interaction. He will allow the Planning Commission or the applicant to recommend the type of retail they may have in mind to occupy the ground floor.

Commissioner Moore recommended staff work with the applicant on the Design Guidelines for small projects for window coverings.

Mr. Miller asked that the Planning Commission give staff enough direction for them to make an informed decision to move forward on the various recommendations and conditions of approval.

Chair Pattillo stated that there may be a combination of visual access in some places and none in other places.

Commissioner Weinstein stated that being too descriptive may not allow the ability to be creative in how we treat this space. Vague conditions may be needed to ensure there's staff's design review.

Commissioner Moore stated that the owner has been open to possible changes. He doesn't think the intentions isn't to have something unattractive on the ground floor and would like to see staff work with the applicant on an adequate amount of opaque window covering.

Mr. Miller explained that he would prefer that the Planning Commission gives staff direction on the amount of opaque window covering seeing that it was initially denied by staff. Mr. Bradley also informed the Planning Commission that the architect is not in attendance at tonight's meeting, but she included a design on the last page of the staff report, showing opaque film for privacy over existing windows. He informed the Planning Commission that a condition will affect the existing proposal.

Commissioner Coleman stated that he agrees with Mr. Miller on the Planning Commission establishing some percentage of opaque window covering unlike the original drawings that appeared to show 100% of the windows covered. A maximum of 50% can be covered with opaque film will still give staff some flexibility to work with the applicant.

Mr. Miller explained that the Planning Commission needs to recommend an appropriate specific percentage amount to staff.

Commissioner Moore stated that if this were a small retail project with less guidelines, the percentage amount may be around 20% so, 50% is pretty generous.



Chair Pattillo proposed a lower percentage of or 30%.

Commissioner Weinstein inquired about other clinics owned or managed by the applicant has examples of more visibility on the street scape.

Dr. Davis responded stated that he agrees that it doesn't have to be 100% of the windows covered in opaque film. If there are conditions of approval recommended he would like for it to allow some privacy for the patients.

Commissioner Coleman clarified the meaning of opaque glass as it pertains to this project proposal.

Chair Pattillo asked if the applicant would support some retail as a condition of approval. Possibly trade a small percentage of space on the 2nd floor and leave some room on the ground floor for retail.

Dr. Davis responded stating that the most appropriate space is on the first floor due to the clientele they serve. He does feel that some opaque window covering is appropriate to allow some sense of privacy.

Mr. Wall concurred with Dr. Davis' answer, but did offer to consult with his architectural firm to fully study the windows and offer some ideas on opaque filming.

Mr. Miller explained that Chair Pattillo's recommendation for 30% of opaque window covering is consistent with the Central Business District – Pedestrian zone requirements. He also explained the language that the Planning Commission should use for an approval or denial vote of this appeal.

Mr. Bradley asked for clarity on a condition on including a waiting room area recommendation made by Chair Pattillo.

Commissioner Moore made a motion to approve the appeal, seconded by Commissioner Coleman.

Action on the matter: Approved 5 ayes, 0 noes.

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

<b>7.</b>	<b>Location:</b> 4137 Piedmont Avenue (APN: 012-0994-009-01)
	<b>Proposal:</b> 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
	<b>Appellant /Applicant:</b> Marcelo Pereira, Capoeira Institute
	<b>Phone Number:</b> (510) 460-5008
	<b>Owner:</b> Miracles Happen CA LLC
	<b>Case File Number:</b> A13-137
	<b>Planning Permits Required:</b> 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
	<b>General Plan:</b> Neighborhood Center Commercial
	<b>Zoning:</b> CN-1 Neighborhood Center Commercial Zoning District Zone
	<b>Environmental Determination:</b> <u>Approval April 29, 2013</u> 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
	<b>Historic Status:</b> Potential Designated Historic Property, minor importance, potentially secondary importance, potentially secondary importance or superior example, rating Dc3
	<b>Service-Delivery District:</b> 2
	<b>City Council District:</b> 1
	<b>Date Filed:</b> May 9, 2013
	<b>Staff Recommendation:</b> Deny the appeal and uphold the Zoning Manager's decision
	<b>Finality of Decision:</b> Final (Not Appealable pursuant to OMC Sec. 17.132.060)
	<b>For Further Information:</b> Contact case planner <b>David Valeska, Planner II</b> at (510) 238-2075 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>



**Approval of Minutes**

Commissioner Coleman made a motion to approve the May 1, 2013 minutes, seconded by Commissioner Moore.

Action on the matter: Approved 3 ayes, 0 noes 2 abstentions (Weinstein, Bonilla).

Commissioner Coleman made a motion to approve the May 15, 2013 minutes, seconded by Commissioner Moore.

Action on the matter: Approved 4 ayes, 0 noes 1 abstention (Bonilla).

Commissioner Coleman announced that he will be gone for the first part of July 2013 in which he will miss the July 17, 2013 Planning Commission Meeting, but will be in attendance at the July 31, 2013 Planning Commission Meeting.

**ADJOURNMENT**

Meeting adjourned at approximately 8:00 P.M.

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

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