



Chris Pattillo, Chair
Jim Moore, Vice Chair
Jahaziel Bonilla
Michael Coleman
Jahmese Myres
Adhi Nagraj
Emily Weinstein

July 2, 2014
Regular Meeting

Revised 6-26-14 *(See end of Agenda)
5:15 P.M.

MEAL GATHERING

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.

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.

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 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.

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

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: 6955 Foothill Boulevard (APN: 039-3291-019-00) |
| | Proposal: To install three (3) telecommunication antennas and replace three (3) antennas with larger antennas for a total of 6 with new associated equipment at a site with 12 existing telecommunication antennas. |
| | Applicant: Metro PCS c/o Patrick Cruzen |
| Contact Person/Phone Number: | Patrick Cruzen (510) 677-1428 |
| | Owner: Eastmont Oakland Associates, LLC |
| | Case File Number: CMD13357 |
| Planning Permits Required: | Regular Design Review to install three (3) telecommunication antennas and replace three (3) antennas with larger antennas for a total of 6 with new associated equipment at a site with 12 existing telecommunication antennas. Major Conditional Use Permit for the expansion of a Macro telecommunication facility within 100 feet of a residential zone. |
| | General Plan: Community Commercial |
| | Zoning: CC-1 Community Commercial Zone - 1 |
| Environmental Determination: | Exempt, Section 15301 of the State CEQA Guidelines, minor alterations to an existing facility
Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning. |
| | Historic Status: Not A Potential Designated Historic Property; Survey Rating: X |
| Service Delivery District: | 5 |
| City Council District: | 6 |
| | Status: Pending |
| | Action to be Taken: Decision of Application |
| | Finality of Decision: Appealable to City Council within 10 days |
| For Further Information: | Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@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.

2.	Location:	2101 Webster Street (APN: 008 -0717-002-00)
	Proposal:	To allow for a new Alcoholic Beverage Sales Activity “The Octopus Literary Salon” in a 1,500 square foot ground floor commercial space in the Uptown Area of the Central Business District.
	Applicant:	Rebecca Grove/ The Octopus Literary Salon
Contact Person/ Phone Number:		Rebecca Grove (510) 388-1043
	Owner:	C.I.M. / Oakland Center 21 LP
	Case File Number:	PLN14152
Planning Permits Required:		Major Conditional Use Permit to allow a Beer and Wine sales within a limited service café; Findings of Public Convenience or Necessity in an over concentrated area
	General Plan:	Central Business District
	Zoning:	CBD-C Central Business District Commercial Zone
Environmental Determination:		Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures, 15301 existing facilities; 15183 Projects consistent with the General Plan or Zoning.
	Historic Status:	Designated Historic Property (DHP); Survey rating: F3
Service Delivery District:		Metro
City Council District:		3
	Date Filed:	05/16/14
	Finality of Decision:	Appealable to City Council within 10 days
For Further Information:		Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com



PLEASE NOTE: ITEM #3, BELOW, IS REMOVED FROM THIS AGENDA. IT WILL BE PLACED ON THE JULY 16TH AGENDA.

3.	Location:	4425 Piedmont Avenue (APN: 013-1128-008-00)
	Proposal:	To demolish a commercial structure on a 15,000 square foot lot; subdivide into 7 lots and construct 4 townhome style single family homes and 3 3-story structures each with 2 units of residential over ground floor live-work space, for a total of 10 residential units and 3 live-work units.
	Applicant/	Reid Bitzer
	Phone Number:	(310) 749-0775
	Owner:	Same
	Case File Numbers:	PLN14120 / T1400053
	Planning Permits Required:	Regular Design Review to construct 10 new dwelling units and 3 new live-work units; Minor Conditional Use Permit for a Mini Lot Development; Tentative Tract Map to subdivide into 5+ lots; Tree Protection and Removal Permit to construct within 10' of Protected Trees and to remove Protected Trees
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-3 Neighborhood Commercial Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: Infill Development Projects; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Potential Designated Historic Property; Survey rating: D2+ (contributor of minor importance to Mountain View Support Area of Secondary Importance)
	Service Delivery District:	2
	City Council District:	1
	Date Filed:	May 5, 2014
	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 at (510) 238-2071 or arose@oaklandnet.com

4.	Location:	867 West Grand Avenue (APN: 003-0029-006-00)
	Proposal:	To demolish 2 residences and construct residential buildings and divide into six residential parcels.
	Owner:	Flatlands Development Company LLC
	Applicant:	William Mollard, Dwellwell Group (415)409-9267
	Case File Number:	PLN14032
	Planning Permits Required:	Tentative Tract Map to merge, then divide parcels totaling 5,583 square feet into six lots; Minor Conditional Use Permit for Minilot Development and for shared access/public access easement (PAE) serving each lot; Regular Design Review for construction of six (6) three-story residential buildings; Variances for reduced open space and for residential activities on the ground level in the CC-2 Zone
	General Plan:	Community Commercial
	Zoning:	CC-2 Community Commercial Zoning District

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Environmental Determination: State CEQA Guidelines: Pursuant to Section 15332, infill development; Section 15305, small land divisions and Section 15183, projects consistent with a community plan, general plan or zoning.

Historic Status: Potential Designated Historic Property (PDHP); Survey Rating: Dc2+ and C2+ to be relocated or demolished

Service Delivery District: Metro

City Council District: 3

Staff Recommendation: Approval subject to conditions

Finality of Decision: Appealable to City Council within 10 days

For Further Information: Contact case planner **David Valeska** at (510) 238-2075 or by email at dvalueska@oaklandnet.com.

5. **Project Name:** 76 Minimart

Location: 100 MacArthur Boulevard (APN: 010-0812-008-01)

Proposal: Allow Convenience Market Commercial Activity

Contact Person/Phone Number: Hayoung Lee (925) 730-4011

Owner: YSL Investments

Case File Number: PLN140147

Planning Permits Required: Major Conditional Use Permit to allow a 1,500 square foot Convenience Market Commercial with gasoline service and with 24 hour operation on a 19,400 square foot parcel, to replace an automotive garage; Design Review to modify façade of building and add propane tank

General Plan: Mixed Housing Type; Urban Residential

Zoning: CN-4 Neighborhood Commercial Zoning District

Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303 small structures, 15332 urban infill, 15183 projects consistent with adopted plans

Historic Status: Not a Potential Designated Historic Property

Service Delivery District: SDS-2

City Council District: 1

Commission Action to Be Taken: Approve Staff Recommendation

Appeal: Appealable to City Council within 10 days

For Further Information: Contact **David Valeska** at (510) 238-2075 or dvalueska@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. **Location:** 845-849 Kennedy Street (APN019-0066-001-00)
 Proposal: Allow additional slaughtering of 30,000 birds per year for food for a total of 50,000 birds per year.
Contact Person/Phone Number: Abdulsalam Musid
 Owner: Wayne Lazarus Trust
 Case File Number: DET13079-A01
 Planning Permits Required: Appeal of a Zoning Manager determination that a poultry slaughtering operation processing 20,000 birds per year may not expand to 50,000 birds per year under Oakland Planning Code Section 17.10. (eneral Industrial)
 General Plan: Planned Waterfront Development 2, Estuary Plan
 Zoning: DCE-5 Central Estuary District Industrial Zone
Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301
 Historic Status: Not a Potential Designated Historic Property
Service Delivery District: 4
City Council District: 5
 Action to Be Taken: Approve Staff Recommendation
 Finality of Action: Planning Commission Action is Final (Not Administratively Appealable)
 For Further Information: Contact David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

PLEASE NOTE: ITEM #7, BELOW, IS REMOVED FROM THIS AGENDA. IT WILL BE PLACED ON AN UPCOMING AGENDA.

7. **Location:** 530—32nd Street (APN: 009-0716-009-00)
 Proposal: Appeal of Zoning Administrator's approval of application for Regular Design Review to construct a new 5-unit townhouse residential development on a vacant lot.
 Appellant: Tanya Boyce (510)932-5416
Contact Person/Phone Number: Robert Brecht (510)928-1611
 Owner: 530—32nd Street LLC
 Case File Number: PLN14003—A01
 Planning Permits Required: Regular Design Review for a new 5-unit residential development.
 General Plan: Urban Residential
 Zoning: RU-1 Urban Residential Zone 1
Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines, infill developments; Section 15183, projects consistent with a community plan, general plan or zoning
 Historic Status: Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A
Service Delivery District: 2
City Council District: 3
 Date Filed: April 14, 2014
 Status: Pending
 Action to be Taken: Public Hearing
 Staff Recommendation: Deny the appeal and uphold the Zoning Administrator's approval
 Finality of Decision: Final Decision (Not Administratively Appealable)
 For further information: Contact case planner Maurice Brenyah-Addow at 510-238-6342 or by email: mbrenyah@oaklandnet.com



COMMISSION BUSINESS

Approval of Minutes May 28 and June 4, 2014

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 MEETING: July 16, 2014

*Revised June 26, 2014, to remove Item #3 (4425 Piedmont Avenue) and to remove Item #7 (530 – 32nd Street).