



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

July 16, 2014
Regular Meeting

Revised 7-15-14 *(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.

Sgnt. Mark Dunakin Hearing Room 1, 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.

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

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.	Location:	2220 Mountain Boulevard (APN 048D-7244-021-05)(3-24-14)
	Proposal:	Revision of Major Conditional Use Permit CMD09-272, to remove and replace 6 antennas and add 2 new RRH units (and other equipment) on an existing monopole
	Applicant:	Gary Gochberg/ Crown Castle for Verizon Wireless
	Contact Person/Phone Number:	(707)364-5164
	Owner:	Montclair Village LLC
	Case File Number:	CMD09272-R01
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review for macro-telecommunication facilities within 100 feet of a residential zone.
	General Plan:	Community Commercial
	Zoning:	CN-4
	Environmental Determination:	Exempt, Section 15301 of the State of CEQA Guidelines; existing facilities.
	Historic Status:	Not a PDHP ; Rating X
	Service Delivery District:	2
	City Council District:	4
	Status:	pending
	Action to be Taken:	Based on staff recommendation
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@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:	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.
		This is a re-notification
	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; Minor Variance for group open space
	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



3.	Location:	1230 37th Avenue (APN: 033-2158-022-01 and 033-2158-008)
	Proposal:	To construct a new seven story, 47,700 square foot building containing a skilled nursing facility, medical offices, and ground floor commercial space.
	Applicant:	Rick Dumas/Doug Davis, AE3 Partners
Contact Person/Phone Number:		Rick Dumas/Doug Davis (415)233-9991
	Owner:	Jane Yoon
	Case File Number:	PLN14013
	Planning Permits Required:	Design Review for new construction, Conditional Use Permit for a Health Care Civic Activity in the CN-1, S-15, or RM-1 zone, Conditional Use Permit for a parking reduction in the CN-1 zone, and Variance for height and setback in the RM-1 zone. The Conditional Use Permits are Major because they involve more than 25,000 square feet of floor area.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	S-15 Transit Oriented Development Zone, CN-3 Neighborhood Commercial Zone – 2, and RM-1 Mixed Housing Type Residential Zone – 1.
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects and Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning.
	Historic Status:	Vacant lots; no historic properties
	Service Delivery District:	4
	City Council District:	5
	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 Neil Gray at 510-238-3878 or by email: ngray@oaklandnet.com

PLEASE NOTE: ITEM NO. 4, BELOW, IS REMOVED FROM THIS AGENDA

4.	Location:	3431 Foothill Boulevard
		Mercy Retirement & Care Center (APN: 033-2127-015-01)
	Proposal:	To construct a 58,000 s.f. senior facility (memory impaired wing) with 50 rooms and 6 one-bedroom independent living units behind the primary 6-story building at the center of the 5-acre property including: minor demolition; renovation of existing buildings; new access from 35 th Avenue; create additional parking; fencing; and landscaping including tree removal.
	Applicant/	Peter Lin / Greenbrier Development
	Phone Number:	(214) 979-2710
	Owner:	Mercy Retirement & Care Center
	Case File Numbers:	PLN14080 / T1400028
	Planning Permits Required:	Major Conditional Use Permit to expand a Health Care Civic Activity by more than 20 percent/25,000 sf in the RM-3 Zone on a site that site exceeds 1 acre in area; Regular Design Review to allow construction of a new facility, renovations to existing facilities, and site modifications Tree Removal Permit to remove Protected Trees
	General Plan:	Institutional/
(continued from page 5)		Mixed Housing Type Residential at rear along E. 18th Street



(continued on page 6)

Zoning:	CN-3 Neighborhood Commercial Zone (along Foothill Blvd. frontage)/ RM-3 Mixed Housing Type Residential Zone (set back from Foothill Boulevard)
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; 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:	5
Date Filed:	May 7, 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

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.

COMMISSION BUSINESS

Approval of Minutes June 4 and June 11, 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

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT MEETING: August 6, 2014

*Revised 7-15-14 to indicate Item #4 (3431 Foothill Boulevard) being removed from this agenda at the applicants request.