



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

July 31, 2013
Regular Meeting

Revised 7-31-13 *(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 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

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:	The public Right of Way on Claremont Avenue (adjacent to 7541 Claremont Avenue) APN: (048H-7690-002-00)
	Proposal:	To install a wireless telecommunication facility (AT&T wireless) on an existing 37'-8" high PG&E utility pole located in the public right-of-way: Install two panel antennas (approximately two-feet long and ten-inches wide mounted onto arms at 47'-7" high on 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.
	Applicant:	New Cingular Wireless PCS, LLC./AT&T Mobility
	Contact Person/Phone Number:	Matthew Yergovich (415)596-3474
	Owner:	City of Oakland
	Case File Number:	DR13-200
	Planning Permits Required:	Major Conditional Use Permit to install a Macro wireless telecommunications facility located within 100-feet of a residential zone (OMC Sec. 17.33.040(A), 17.134.020(A)(3)(i); Additional findings for a Macro facility (OMC Sec. 17.128.070 (B), (C).
	General Plan:	Resource Conservation
	Zoning:	OS Open Space Zone
	Environmental Determination:	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.
	Historic Status:	Not a Potential Designated Historic Property; Survey Rating: N/A
	Service Delivery District:	2
	City Council District:	1
	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 Jose M. Herrera-Preza at (510) 238-3808 or by email: jherrera@oaklandnet.com



2. **Location:** The public Right of Way at the intersection of Fulton Way and Claremont Avenue (adjacent to 8071 Claremont Avenue) APN: (048H-7693-046-01)
- Proposal:** To install a wireless telecommunication facility (AT&T wireless) on an existing 38' high PG&E utility pole located in the public right-of-way: Install two panel antennas (approximately two-feet long and ten-inches wide mounted onto arms at 50'-5" high on 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.
- Applicant:** New Cingular Wireless PCS, LLC./AT&T Mobility
- Contact Person/Phone Number:** Matthew Yergovich (415)596-3474
- Owner:** East Bay Regional Park District
- Case File Number:** DR13-201
- Planning Permits Required:** Regular Design Review (non-residential) to expand a Macro facility also requiring a conditional use permit (OMC Sec. 17.33.040(A), 17.136.050(B)(2); Additional findings for a Macro facility (OMC Sec. 17.128.070 (B), (C).
- General Plan:** Resource Conservation
- Zoning:** OS Open Space Zone
- Environmental Determination:** 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.
- Historic Status:** Not a Potential Designated Historic Property; Survey Rating: N/A
- Service Delivery District:** 2
- City Council District:** 1
- 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 Jose M. Herrera-Preza at (510) 238-3808 or by email: jherrera@oaklandnet.com

3. **Location:** The public Right of Way at the intersection of Elderberry Drive and Girvin Drive (adjacent to 6239 Elderberry Drive) APN: (048D-7302-001-00)
- Proposal:** To install a wireless telecommunication facility (AT&T wireless) on an existing 43' high PG&E utility pole located in the public right-of-way: Install two panel antennas (approximately two-feet long and ten-inches wide mounted onto arms at 37'high on 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.
- Applicant:** New Cingular Wireless PCS, LLC./AT&T Mobility
- Contact Person/Phone Number:** Matthew Yergovich (415)596-3474
- Owner:** Pacific Gas & Electric PG&E
- Case File Number:** DR13-055
- Planning Permits Required:** 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.
- (continue on page 5)



(continued from page 4)

General Plan:	Hillside Residential
Zoning:	RH-4 Hillside Residential Zone
Environmental Determination:	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.
Historic Status:	Not a Potential Designated Historic Property; Survey Rating: N/A
Service Delivery District:	2
City Council District:	4
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.



PLEASE NOTE: ITEM NO. 4, BELOW IS BEING REMOVED FROM THIS AGENDA. IT WILL BE RE-NOTICED FOR A FUTURE AGENDA

4. **Location:** 77 Pearl Street (APN: 010-0805-006-01) (4/4/12)
Proposal: To legalize and existing second dwelling unit and create a third new dwelling unit within an existing structure or a site with two existing structures, establishing a total of thirteen (13) dwelling units on the lot.
Re-Notification
Applicant: Kent Lau & Tran-Vu
Contact Person/Phone Number: Same (408)425-4523
Owner: Albert Tung
Case File Number: CMD12-039
Planning Permits Required: Major Conditional Use Permit to allow for 5 or more units on a RM-4 lot and Design review for the creation of, and legalization of a total of two new dwelling units.
General Plan: Mixed Housing Type Residential
Zoning: Mixed Housing Type Residential Zone-4 Regulations
Environmental Determination: 15332, In fill Development Projects
Historic Status: PDHP, secondary importance or superior example; rating C3
Service Delivery District: 2
City Council District: 3
Status: Pending
Action to be Taken: Decision based of 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

5. **Project Name:** Oakland Ice Rink/Sharks Ice
Location: 519 18th Street (APN008-0641-008-05)
Proposal: Allow Alcoholic Beverage Sales Activity
Contact Person/Phone Number: Melissa Fitzgerald (408)406-3791
Owner: City of Oakland Successor to Redevelopment Agency
Case File Number: CM13-149
Planning Permits Required: Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity, in approximately 1,000 square feet of existing Ice Rink building area
General Plan: Central Business District
Zoning: CBD-C Central Business District-Retail Commercial Zoning District
Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301
Historic Status: Not a Potential Designated Historic Property
Service Delivery District: Metro
City Council District: 3
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 dvaleska@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/overtakes 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

July 17, 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 MEETING: August 7, 2013

*Revised 7-31-13 to indicate Item #4 (77 Pearl Street) being removed from this agenda.