



Vien Truong, Chair
Sandra E. Gálvez, Vice Chair
Michael Colbruno
C. Blake Huntsman
Chris Pattillo
Jonelyn Whales
Madeleine Zayas-Mart

August 3, 2011
Regular Meeting

Revised 7-21-11 and 7-29-11* (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.

Council Chamber, 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 Planning 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

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.



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 Community and Economic Development Agency, 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.

**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" (under CEDA), 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, Community and Economic Development Agency, 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 tickets with a stamp.

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 Redevelopment Agency Status Due to Recent Legislation

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.

PLEASE NOTE: THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

1.	Location:	3700 Dorisa Avenue (on the grounds of APN' s: 043A-4675-005-26 and 005-27) (12/23/10)
	Proposal:	To install and replace new and existing Telecommunication facilities (resulting in a Macro Telecommunication facilities) locate on the grounds of the level equipment shelter at St.Pasehal Baylon Church
	Applicant:	Jonathan Fong /The Lyle Company
	Contact Person/Phone Number:	Same (916)868-6673
	Owner:	Roman Catholic Bishop of Oakland
	Case File Number:	CMD10-348
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review to establish a Macro Telecommunication facility (replacing 1 of 3 existing un-concealed post-mounted panel antenna and adding 2 new RRU antennas for a total of 5 antennas in this compound) within in a residential zone.
	General Plan:	Hillside Residential
	Zoning:	RH-4, hillside Residential Zone-4Single Family Residential
	Environmental Determination:	Exempt, Section 15301 of the State of CEQA Guidelines; existing facilities.
	Historic Status:	Not a Historic Property
	Service Delivery District:	6
	City Council District:	7
	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

2. **Location:** 3660 Harbor Drive (APN: 048B-7150-002-04)

Proposal: To collocate 3 concealed antenna panels on the exterior walls of the main building and roof penthouse, 6 Radio Remote Unit (RRU' s) antennas on the interior building parapet and on the exterior penthouse walls, including 3 equipment cabinets inside one of the penthouses located at the school facility.

Applicant/Contact Person: The Lyle Company/ AT&T, Jonathan Fong

Phone Number: (916) 266-7000

Owner: Holy Names High School

Case File Number: CMD10-285

Planning Permits Required: Major Conditional Use Permit to operate a Macro telecommunication facility in a residential zone;
Regular Design Review to install a Telecommunication Facility.

General Plan: Institutional

Zoning: RD-1 Detached Unit Residential Zone

Environmental Determination: Exempt, Section 15301(e) of the State CEQA Guidelines:
Existing Facilities (additions to existing structures);
Section 15183 of the State CEQA Guidelines:
Projects consistent with a Community plan, General Plan or Zoning

Historic Status: Potential Designated Historic Property (PDHP);
Survey Rating: B +3, Major Importance

Service Delivery District: 2

City Council District: 1

Date Filed: November 8, 2010

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 **Mike Rivera** at (510) 238-6417, or by email at mrivera@oaklandnet.com

3. **Location:** 3033 MacArthur Boulevard (APN: 028 -0938-019-04)
Request for a Major Conditional Use Permit and Design Review for the modification to an existing unmanned telecommunications facility. Project will replace three existing antennas inside an existing roof top cupola with three new antennas, six RRU's and one additional equipment cabinet located on the roof of "The Food Mill".

Proposal:

Applicant: David Snypes (Realcom) for AT&T

Contact Person/ Phone Number: David Snypes
(925) 519-5081

Owner: Kirk D. Watkins

Case File Number: CMD11-064

Planning Permits Required: Major Conditional Use Permit to modify an existing wireless telecommunication macro facility and Regular Design Review to replace three (3) existing antennas with three (3) new antennas within (e) rooftop enclosures and a new equipment cabinet at the rear of the building.

General Plan: Urban Residential

Zoning: RU-5 Urban Residential 5 Zone

(continued on page 5)



(continued from page 4)

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:	Not Potential Designated Historic Property (PDHP); Survey rating: D3
Service Delivery District:	4
City Council District:	IV
Date Filed:	04/07/11
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

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.

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

4.	Location:	3833 Telegraph Avenue (APN 012-0967-003-00)
	Proposal:	Appeal of a Zoning Determination regarding condominium conversion rights created by the rehabilitation of an existing 22-unit building.
	Contact Person/Phone Number:	John Gutierrez (510)647-0600
	Owner:	Jason and Karen Mak
	Case File Number:	A10-228 (related to DET10-027)
	Planning Permits Required:	Appeal of a Zoning Determination regarding condominium conversion rights created by the rehabilitation of an existing 22-unit building.
	General Plan:	Neighborhood Center
	Zoning:	CN-2 "Neighborhood Commercial Zone-2" (formerly C-28)
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities)
	Historic Status:	Not a Potential Designated Historic Property; Survey Rating: X

(continued on page 6)



(continued from page 5)

Service-Delivery District: 2
City Council District: 4
Date Filed: August 19, 2010
Staff Recommendation: Deny Appeal
Action to be Taken: Decision regarding Appeal Request
Finality of Decision: Final
For More Information: Contact Case Planner, Ann Clevenger, at (510)238-6980 or aclevenger@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, Community and Economic Development Agency, 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 of the Community and Economic Development Agency, 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.

5. **Location:** 1421 Broadway (APN: 08-0619-008-01)
Proposal: Allow sales of alcoholic beverages at an existing restaurant; and group assembly
Contact Person/Phone Number: Cortt Dunlap
(510)847-1857
Owner: City of Oakland
Case File Number: CM11-103
Planning Permits Required: Major Conditional Use Permit to allow Alcoholic Beverage Service pursuant to OPC Section 17.102.210 for an existing Limited Service Restaurant; and Group Assembly for special events
General Plan: Central Business District
Zoning: Central Business District--Pedestrian
Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303
Historic Status: Not a Potential Designated Historic Property
Service Delivery District: Metro
City Council District: 3
Date Filed: May 31, 2011
Action to be Taken: Decision on Application Based on Staff Report
Finality of Decision: Appealable to City Council within 10 Days
For Further Information: Contact **David Valeska** at (510) 238-2075 or dvalueska@oaklandnet.com

PLEASE NOTE: ITEM #6, BELOW, WAS CONTINUED FROM THE JULY 20TH COMMISSION MEETING. ANY AND ALL PERSONS WISHING TO SPEAK, INCLUDING THOSE PERSONS THAT SPOKE AND/OR SIGNED UP TO SPEAK AT THE JULY 20TH MEETING, WILL BE GIVEN THE OPPORTUNITY TO SPEAK AT THE AUGUST 3RD MEETING.

6. **Location:** 6310 College Avenue (APN's : 048A-7070-001-01; & 007-01)
Proposal: Public Hearing on the Draft Environmental Impact Report to obtain comments on the environmental analysis related to the redevelopment of the Safeway on College Avenue. The project would involve demolition of the existing approximately 25,000 square-foot store, parking lot and service station and construction of a two-story, approximately 62,000 square foot building that would contain Safeway supermarket of approximately 51,500 square feet, approximately 10,500 square feet of ground floor retail spaces (for approximately eight retail shops including one restaurant), and a partially below-grade and upper level parking garage with about 171 parking spaces.
Applicant: Lowney Architects
Contact Person/Phone Number: Ken Lowney - (510)836-5400
Owner: Safeway Stores Inc.
Case File Number: ER09-0006, CMDV09-107 & TPM-09889

(continued on page 8)



(continued from page 7)

Planning Permits Required: Major Conditional Use permits (General Food Sales, Commercial Square Footage in excess of 7,500 square feet, Driveway location, and Alcohol Sales), Regular Design Review for new construction, Minor Variances for required parking (186 stalls required; 171 proposed) and required loading berths (3 required; 2 proposed), and a Tentative Parcel Map for lot merger and commercial condominiums.

General Plan: Neighborhood Center Mixed Use

Zoning: C-31, Special Retail Commercial Zone (Since the release of the Notice of Preparation the subject site's zoning designation has been changed as part of the citywide zoning update and the subject property is now located within a CN-1 Zone)

Environmental Determination: Draft Environmental Impact Report was published for a 45-day review period from July 1, 2011 to August 15, 2011

Historic Status: Not a Potentially Designated Historic Property; Rating: X

Service Delivery District: 2

City Council District: 1

Status: Public Hearing continued from July 20, 2011. Any and all persons wishing to speak, including those that spoke and/or signed up to speak at the July 20th meeting, will be given the opportunity to speak at the August 3rd meeting.

Action to be Taken: Receive public and Planning Commission comments on the Draft Environmental Impact Report

For Further Information: Contact case planner **Peterson Z. Vollmann** at (510) 238-6167 or by email: pvollman@oaklandnet.com.

COMMISSION BUSINESS

Approval of Minutes

July 6, 2011

Correspondence

City Council Actions

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.



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: August 31, 2011

*Revised 7-21-11 to indicate Item #1 (3700 Dorisa) being removed from this agenda and to indicate Item #6 (6310 College – Safeway) being added to this agenda, as well as to re-order (and re-number) the Agenda items #4 and #5, and to indicate change in venue to the Council Chamber. Revised 7-29-11 to indicate Item #4 (3833 Telegraph Avenue) being removed from this agenda.