



Vien Truong, Chair
C. Blake Huntsman, Vice Chair
Michael Colbruno
Michael Coleman
Jim Moore
Chris Pattillo
Jonelyn Whales

August 29, 2012
Regular Meeting

Revised 8-20-12 *(See at the 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

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.



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.

**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

Draft Planning Commission Schedule for fall-winter



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:** 2648 International Boulevard (APN: 025-0710-034-00)
Proposal: Modification to a rooftop wireless telecommunications facility including replacing six panel antennas and two equipment cabinets, and removing one equipment cabinet.
Contact Person/Phone
Number: Michelle Weller (925)997-1312
Owner: Bay Area Investment Company, Inc.
Case File Number: CMDV12-149
Planning Permits Required: Major Conditional Use Permit for a Telecommunications Facility within one hundred (100) feet of the boundary of a residential zone; Regular Design Review for new and modified Telecommunications Facilities; and Variance for not maintaining a 1:1 ratio of telecommunications facility height to edge of roof.
General Plan: Community Commercial;
Zoning: CC-2 Community Commercial Zoning District
Environmental
Determination: Exempt, Section 15301 of the State CEQA Guidelines: Minor alterations to existing facilities; Section 15183 of the State CEQA Guidelines: Project consistent with a Community Plan, General Plan or Zoning
Historic Status: Potential Designated Historic Property (PDHP): Rating Dc3
Service Delivery District: 4
City Council District: 5
Date Filed: September 29, 201
Action to be Taken: Public hearing and decision
Finality of Decision: Appealable to City Council within 10 calendar days
For Further Information: Contact Neil Gray at (510) 238-3878 or ngray@oaklandnet.com

**NOTE: ITEM #2 HAS BEEN REMOVED FROM THIS AGENDA**

2.	Location:	648 14th Street (APN: 003-0071-025-00)
	Proposal:	Request for a Major Conditional Use Permit and Design Review for the modification to an existing unmanned telecommunications facility. Project will remove and relocate two existing antennas, add six new antennas inside three new screen enclosures along the rooftop penthouse (total of 8 antennas on site), 1 GPS antenna and six RRU's located on the roof of the C.L. Dellums Apartment Building.
	Applicant:	Michelle Weller for Cortel LLC
	Contact Person/ Phone Number:	Michelle Weller (925) 997-1312
	Owner:	644 14 th Street Associates
	Case File Number:	CMD12-089
	Planning Permits Required:	Major Conditional Use Permit to modify an existing wireless telecommunication mini-facility and Regular Design Review to add six (6) new antennas (total of 8 antennas on site), 1 GPS antenna, 6 RRU's within three new rooftop enclosures and a removal and replacement of 2 new equipment cabinet located inside a dedicated equipment room in the basement of the building.
	General Plan:	Central Business District
	Zoning:	CBD-X Central Business District Mix 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:	Potential Designated Historic Property (PDHP); Survey rating: Cb+3
	Service Delivery District:	Metro
	City Council District:	III
	Date Filed:	06/18/12
	Finality of Decision:	Appealable to City Council within 10 calendar days
	For Further Information:	Contact case planner Jose M. Herrera Preza at (510) 238-3808 or jherrera@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.

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| 3. | <p>Location: 5745 Thornhill Drive (APN:048G-7420-002-00)</p> <p>Proposal: To relocate and replace an existing 9 s.f., 7' high wireless enclosure with a new 45 s.f., 7' high wireless enclosure that would replace 4 antenna panels with 2 new concealed antenna panels, collocate 4 concealed small Radio Remote Unit (RRU's) antennas and to replace 3 equipment cabinets with 2 concealed cabinets, located on the roof of a mixed-use facility.</p> <p>Applicant/Contact Person: Streamline Engineering, Sam Savig (for Sprint)</p> <p>Phone Number: (916) 622-3737</p> <p>Owner/Contact: Carlos Yang & Alicia Halperin</p> <p>Case File Number: CMD12-056</p> <p>Planning Permits Required: Major Conditional Use Permit for a Mini Telecommunication Facility within 100 feet of the boundary of a residential zone; and Regular Design Review for alterations to existing wireless facility.</p> <p>General Plan: Neighborhood Center</p> <p>Zoning: CN-3 Neighborhood Commercial Zone</p> <p>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</p> <p>Historic Status: Not a Potential Designated Historic Property
Survey Rating: X</p> <p>Service Delivery District: 2</p> <p>City Council District: 4</p> <p>Date Filed: May 10, 2012 (revised plans submitted on June 12, 2012)</p> <p>Action to be Taken: Decision based on staff report</p> <p>Finality of Decision: Appealable to City Council within 10 calendar days</p> <p>For Further Information: Contact Case Planner Mike Rivera at (510) 238-6417, or by email at mriviera@oaklandnet.com</p> |
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4. **Project Name:** Sound Room/BAJA Network (item continued from 8-1-12)
 Location: 2147 Broadway (APN008-0648-001-00)
 Proposal: Allow Alcoholic Beverage Sales Activity/nightclub
 Contact Person/Phone
 Number: Robert Bradsby (415) 994-3501
 Owner: Rosen & Laurie Cooperman
 Case File Number: CM12-041
Planning Permits Required: Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity and Group Assembly (nightclub), a 7,500 square foot existing space in a building in Uptown Oakland
 General Plan: Central Business District
 Zoning: CBD-P Central Business District-Pedestrian Retail Commercial Zoning District
 Environmental Categorically Exempt under California Environmental Quality Act
 Determination: (CEQA) Guidelines Section 15303
 Historic Status: Potential Designated Historic Property, rated Ec3, no particular interest/potentially secondary importance
 Service Delivery District: Metro
 City Council District: 3
 Date:
 Action to Be Taken: Approve Staff Recommendation
 Finality of Decision: Appealable to City Council within 10 calendar days
 For Further Information: Contact David Valeska at (510) 238-2075 or dvalueska@oaklandnet.com

5. **Project Name:** The Shops at Broadway – EIR Scoping Session
 Location: 3001-3039 Broadway (APNs 009-0705-004-00; 009-0705-005-00; 009-0705-006-00; & 009-0705-007-00; northwest corner of Broadway and 30th Street)
 Proposal: Construction of an approximately 35,750 sq. ft. single-story commercial development consisting of an approximately 26,000 sq. ft. anchor tenant (grocery store) and approximately 9,750 sq. ft. of retail space (which may include up to 6,000 sq. ft. of restaurant space). 171 parking spaces are proposed.
 Applicant: Portfolio Development Partners LLC
 Contact Person/Phone Jeffrey E. Neustadt / (925) 939-3010
 Number:
 Owner: 3640 Associates; BW30 Associates
 Case File Numbers: CMD12091; ER120007
Planning Permits Required: Conditional Use Permit; Regular Design Review; Variances
 General Plan: Community Commercial
 Zoning: CC-2 (Community Commercial Zone – 2); D-BR (Broadway Retail Frontage Interim Combining Zone)
 Environmental An Environmental Impact Report (EIR) will be prepared. A Notice of
 Determination: Preparation (NOP) for the EIR was published on July 27, 2012. The public comment period on the NOP began on August 1, 2012, and ends on August 31, 2012.
- (continued on page 7)



(continued from page 6)

Historic Status: Potential Designated Historic Property (PDHP); Survey rating: D2+
Service Delivery District: 2
City Council District: 3
Status: Pending
Action to be Taken: Solicit comments on the scope of the EIR. No decisions will be made on the project at this hearing.
Finality of Decision: Appealable to City Council within 10 calendar days
For Further Information: Contact case planner **Darin Ranelletti** at (510) 238-3663 or by email at dranelletti@oaklandnet.com

6. **Location:** 5441 International Boulevard (APN: 041-3848-001-00)
Proposal: Scoping session for GE proposal to demolish the existing buildings on the site. An application for demolition of the eight existing buildings on the property was submitted to the City of Oakland Building Services on July 30, 2010 and permits were issued on January 3, 2011, contingent upon environmental review.
Applicant: Geosyntec
Contact Person/Phone Number: Jim Cox - (858)716-2916
Owner: The General Electric Company
Case File Number: ER11-0011
General Plan: General industrial
Neighborhood Center Mixed Use
Zoning: IG/S-19, General Industrial/ Health and Safety Protection Zone
CN-3, Neighborhood Commercial Zone - 3
Environmental Determination: Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. An Initial Study (IS) that identifies the areas of probable environmental impacts and a Notice of Preparation of a Draft Environmental Impact Report (DEIR) has been prepared. The Initial Study (IS) has identified Cultural Resources as an area of probable environmental impact that shall be studied in the Draft Environmental Impact Report (DEIR) to be prepared, and that all other impacts would be reduced to less than significant levels. A Notice of Preparation (NOP) to prepare the EIR was published on July 12, 2012. The comment period for the NOP ends on August 20, 2012.
Historic Status: Potentially Designated Historic Property (PDHP), API anchor; Rating A1+
Service Delivery District: 5
City Council District: 6
Action to be Taken: Receive public and Commission comments about what information and analysis should be included in the EIR.
For Further Information: Contact case planner **Peterson Z. Vollmann** at (510) 238-6167 or by email: pvollmann@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.

PLEASE NOTE: Item No. 7, below, will not be heard prior to 7:30p.m.

7.	Location: 9850 Kitty Lane (APN: 044-5020-019-00)
	Proposal: Appeal of a Zoning Administrator's interpretation that the proposed crematorium at 9850 Kitty Lane is subject to the Emergency Ordinance Adopted by the City Council on May 15, 2012, and therefore requires an approval of a Major Conditional Use permit.
	Appellant: Les Hausrath of Wendel, Rosen Black and Dean, LLP on behalf of Stewart Enterprises, Inc.
	Contact Phone Number: (510) 834-6600
	Owner: SE Combined Services of CA Inc.
	Case File Number: A12-070
	Planning Permits Required: Not Applicable.
	General Plan: Business Mix
	Zoning: CIX-2, Commercial Industrial Mix 2 Zone
	Environmental Determination: Exempt, Section 15321 of the State CEQA Guidelines, Enforcement Actions by Regulatory Agencies
	Historic Status: Not a Potentially Designated Historic Property; rating: F3
	Service Delivery District: 6
	City Council District: 7
	Status: Pending
	Action to be Taken: Decision on appeal
	Finality of Decision: Final
	For Further Information: Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@oaklandnet.com .

COMMISSION BUSINESS

Approval of Minutes

May 16, June 6, June 20 and July 11, 2012

Correspondence

City Council Actions

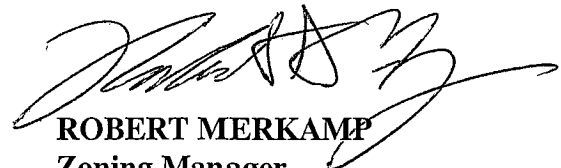


OPEN FORUM

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.



ROBERT MERKAMP
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: September 19, 2012

*Revised 8-20-12 to remove item #2 from this agenda.