



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

August 31, 2011
Regular Meeting

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 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 **Brown Act/Sunshine Ordinance Informational Presentation**

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:	11450 Golf Links Road (Lake Chabot Golf Course)
		APN: 048-5813-003-04
	Proposal:	To construct a new Monopole Telecommunication Facility (A Monopole to look like a Pine Tree) with eight (8) antennas, two (2) microwave dishes, four (4) RRU' s, and an equipment shelter.
	Applicant:	Trillium Consulting for AT&T
	Contact Person/Phone Number:	Valerie/(714) 414-5618
	Owner:	City of Oakland
	Case File Number:	CMDV11-052
	Planning Permits Required:	A Major Conditional Use Permit for a Monopole Telecommunication Facility in the Open Space Zone Regular Design Review To construct a new Monopole Telecommunication Facility with eight (8) antennas, two (2) microwave dishes, four (4) RRU' s, and an equipment shelter. A Minor Variance for a monopole telecommunication facility 68' -0" high where 45' -0" is permitted.
	General Plan:	Urban Open Space
	Zoning:	OS (SU) Open Space (Special Use Park)
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Designated Historic Property (DHP); Survey Rating: B +2 +
	Service Delivery District:	6
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City Council District: 7
Status: Pending
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 case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

2. **Location:** 10833 Golf Links Road (In the public right-of-way adjacent to 10831 Golf Links Road and APN: 048-6226-016-01)
Proposal: Co-location to add three (3) new antennas to an existing Monopole Telecommunication facility with three (3) existing antennas for a total on six (6) antennas on a City of Oakland light pole in the center median of Golf Links Road with additional associated equipment cabinets.
Applicant: AT&T, David Snypes of Realcom
Contact Person/Phone Number: David Snypes
Owner: City of Oakland
Case File Number: CMD11-102
Planning Permits Required: Regular Design Review for the co-location to add three (3) new antennas to an existing Monopole Telecommunication facility with three (3) existing antennas for a total on six (6) antennas on a City of Oakland light pole in the center median of Golf Links Road with additional associated equipment cabinets.
Major Conditional Use Permit for the expansion of a Monopole telecommunication facility within 100 feet of a residential zone.
General Plan: Hillside Residential
Zoning: RH-4 Hillside Residential Zone - 4
Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.
Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status: No Historic Rating
Service Delivery District: 5
City Council District: 6
Status: Pending
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 case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com



3.	Location:	Skyline Boulevard (located in the Public Right of Way adjacent to 8222 Skyline Boulevard) APN: 048D-7314-004-00
	Proposal:	Installation of a wireless telecommunication facility on top of an existing PG&E pole consisting of: increasing the existing pole height from 48' to 50' -4"; associated equipment box attached to the existing pole; one Kathrein antenna mounted at approximately at 50' -0" pole height and one battery backup and one meter box at 7' pole height located in public right of way.
	Applicant:	Extenet Systems.
	Contact Person/Phone Number:	Rick Hirsch (415)377-7826
	Owner:	Pacific Gas & Electric.
	Case File Number:	DR11-085
	Planning Permits Required:	Major Regular Design Review to install a wireless Telecommunication Macro Facility on top of an existing PG&E pole. The project is consisting of: increasing the existing pole height from 48' to 50' -4"; associated equipment box attached to the existing pole; one Kathrein antenna mounted at approximately at 50' -0" pole height and one battery backup and one meter box at 7' pole height within the residential zone.
	General Plan:	Hillside Residential
	Zoning:	RH-4 Hillside Residential S-10 Scenic Route Combining Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. 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 on Application based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email: jsmadani@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.

4.	Location:	601 Glendome Circle (APN: 024-0607-052-00)
	Proposal:	To install six (6) telecommunication antennas on an extension to the top of an existing PG&E tower, three (3) antennas to the legs of the tower and associated equipment shelters on the ground below the tower.
	Applicant:	Verizon Wireless, Charnel James of NSA Wireless
Contact Person/Phone Number:		Charnel James /(530)219-1833
	Owner:	PG& E Co.
	Case File Number:	CMD09-140
Planning Permits Required:		Regular Design Review to install nine (9) telecommunication antennas, and enclosed equipment shelters. Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.
	General Plan:	Detached Unit Residential
	Zoning:	R-30 One-Family Residential Zone
Environmental Determination:		Exempt, Section 15270 of the State CEQA Guidelines; Projects which are Disapproved
	Historic Status:	No Historic Record
Service Delivery District:		3
City Council District:		5
	Status:	Pending
	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 case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com



5. **Location:** Skyline Boulevard, south of Roberts Park street entrance at AC Transit bus stop
 Proposal: To install a Macro Telecommunications Facility.
- On July 21, 2011 the Planning Commission continued the item to August 31, 2011 to provide time to study potential revisions to the original proposal for a new monopole facility including attachment of antennas to trees located in the public right-of-way.
- Applicant/** Sharon James / NextG
 Phone Number: (408) 426-6629
 Owner: City of Oakland
 Case File Number: CM11-004
 Planning Permits Required: Major Conditional Use Permit with 2 sets of additional findings to allow a Monopole Telecommunications Facility in the OS Zone
 General Plan: Urban Open Space
 Zoning: OS (RSP) Open Space (Region-Serving Park) Zone
 Environmental Determination: Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved
 Historic Status: No Historic Status (vacant portion of public right-of-way)
 Service Delivery District: IV
 City Council District: 4 – Schaaf
 Date Filed: January 11, 2011
 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** at **(510) 238-2071** or arose@oaklandnet.com

6. **Location:** 1703 Telegraph Avenue (APN 008-0641-005-00)
 Proposal: Compliance Review and change of hours Request for an existing Adult Entertainment Activity
- Contact Person/Phone Number:** Lanenna Joiner (510 206 4635)
 Owner: Fred and Patricia Brown
 Case File Number: CMV10-272, REV11- 0012
 Planning Permits Required: Compliance Review pursuant to Condition of Approval 19; and Request to Revise Condition 11 to allow extension of Friday and Saturday night hours to 2 a.m. from the current midnight closing.
- General Plan:** Central Business District
 Zoning: CBD-P Central Business District-Pedestrian Commercial Zoning Districts
 Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301
 Historic Status: Potential Designated Historic Property Rated Ec3, no particular interest
 Service Delivery District: Metro
 City Council District: 3
 Staff Recommendation: Find the applicant in compliance and consider and decide on hours change
 Finality of Action: Appealable to City Council within 10 days
 For Further Information: Contact **David Valeska** at **(510) 238-2075** or dvaleska@oaklandnet.com

7. **Location:** 3301 San Pablo Avenue (APN 005-0470-002-00)
Proposal: Allow sales and sampling of alcoholic beverages at an existing restaurant located on a restricted street
Contact Person/Phone Number: Tanya Holland & Phil Surkis
(510) 834-8341
Owner: Jack Tse & Kelvin & Li Tse
Case File Number: CMV11-129
Planning Permits Required: Major Conditional Use Permit to allow alcoholic beverage service pursuant to OPC Section 17.102.210 for an existing Full Service Restaurant on a restricted street (San Pablo Avenue between the freeways).
General Plan: Mixed Housing Type
Zoning: RU-5 Urban Residential
Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301
Historic Status: Not a Potential Designated Historic Property
Service Delivery District: 1
City Council District: 3
Date Filed: July 11, 2011
Staff Recommendation: Approve Subject to Conditions
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

8. **Location:** The Existing Redevelopment Project Area consists of two non-contiguous subareas: the Broadway/MacArthur subarea and the San Pablo subarea. The Broadway/MacArthur subarea incorporates roughly the area between Highway 24 and Broadway, from 27th Street to 42nd Street. The San Pablo subarea incorporates a portion of the Golden Gate neighborhood between Vallejo Street and San Pablo Avenue, from 53rd to 67th streets. The Lowell/Gaskill neighborhood (Amendment Area) covers approximately 210 acres in North Oakland, generally between 67th Street to the north, 53rd Street to the south, San Pablo Avenue to the west, and the intersection of Adeline and Market Streets to the east.
- Proposal:** Public Hearing on the Draft Supplemental Environmental Impact Report (SEIR) to receive comments on implementation of proposed amendments to the Broadway/MacArthur/San Pablo Redevelopment Plan to expand the Project Area boundaries to include the Amendment area, to increase the bonding capacity to finance the proposed redevelopment activities in the Amendment area, and to renew the existing eminent domain authority to extend beyond 2012.
- Applicant:** Redevelopment Agency of the City of Oakland
- Contact Person/Phone Number:** Kathy Kleinbaum, Redevelopment Project Manager, (510)238-7185
- Case File Number:** ER11-001
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Planning Permits Required:	To be determined
General Plan:	Mixed Housing Type Housing and Business Mix
Zoning:	R-40, R-50, HBX-1, C-25
Environmental Determination:	A Draft SEIR has been prepared for the proposed amendments
Historic Status:	The Amendment Area includes a few buildings that are listed on the Local Register and multiple Potentially Designated Historic Properties.
Service Delivery District:	2
City Council District:	1 - Brunner
Status:	Draft Supplemental Environmental Report was published for a 45-day review period (starting on August 5, 2011 and ending at 4:00 pm on September 20, 2011)
Action to be Taken:	Receive public and Commission comments on the Draft SEIR.
For Further Information:	Contact case planner Ulla-Britt Jonsson at (510) 238-3322 or by email at ujonsson@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 1, June 15, July 6, July 20, 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: September 21, 2011