



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

September 3, 2014
Regular Meeting

Revised 8-25-14*(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, 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:	The public Right of Way in front of 6676 Pineneedle Drive Adjacent APN: (048G-7431-040-00)
	Proposal:	To install a wireless telecommunication facility (AT&T wireless) on a new replacement PG&E utility pole located in public right-of-way: Install two panel antennas (approximately two-feet long and ten-inches wide mounted on top of the pole at a total height of 50'-5"; an associated equipment box, one battery backup and meter boxes within a 8' tall by 2'wide singular equipment box attached to the pole at 10'-10" high 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:	PLN14037
	Planning Permits Required:	Major Design Review to install a wireless Telecommunication Macro Facility to on new replacement PG&E pole located in the public right of way in a residential zone.
	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: X
	Service Delivery District:	2
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Decision on 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



PLEASE NOTE: ITEM NO. 2. BELOW, HAS BEEN REMOVED FROM THIS AGENDA

2.	Location:	Utility pole in public right-of-way adjacent to: 2040 Tampa Avenue
	Assessor's Parcel Numbers:	Adjacent to APN: 048E-7344-008-00
	Proposal:	To install an extension with two telecommunications antennas on top of a 38'-1" utility pole with street lamp (proposed top height = 50'-5") and equipment pole mounted between 8 ft and 20 ft in height.
	Applicant / Phone Number:	Matt Yergovich (for: AT&T) (415) 596-3747
	Owners:	Public right-of-way/street lamp: City of Oakland/ Utility pole: JPA/PG&E
	Case File Number:	PLN14038
	Planning Permits Required:	Regular Design Review and additional findings for a telecommunications facility; Variance to locate within 1,500 feet any existing monopole
	General Plan:	Hillside Residential
	Zoning:	RH 4 Hillside Residential Zone
	Environmental Determination:	To be determined
	Historic Status:	Non-historic property
	Service Delivery District:	2
	City Council District:	4
	Date Filed:	March 6, 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, Planner II at (510) 238-2071 or arose@oaklandnet.com



- (continued on page 5)

Historic Status: Not a Potential Designated Historic Property; Survey Rating: F3
Service Delivery District: 2
City Council District: 4
Status: Pending
Action to be Taken: Decision on Application
Finality of Decision: Appealable to City Council with days
For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

PLEASE NOTE: ITEMS NO. 4 AND NO. 5, BELOW, ARE REMOVED FROM THIS AGENDA



4.	Location:	The public Right of Way in front of 2181 Andrews Street Adjacent APN: (048D-7244-005-01)
	Proposal:	To install a wireless telecommunication facility (AT&T wireless) on a new replacement PG&E utility pole located in public right of way: Install two panel antennas (approximately two feet long and ten inches wide mounted on top of the pole at a total height of 50' 5"; an associated equipment box; one battery backup and meter boxes within a 8' tall by 2' wide singular equipment box attached to the pole at 10' 10" high 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:	PLN14041
	Planning Permits Required:	Major Design Review to install a wireless Telecommunication Macro Facility to on new replacement PG&E pole located in the public right of way in a residential zone.
	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: X
	Service Delivery District:	2
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Decision on 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



5.	Location:	Public right-of-way adjacent to vacant lot east of 6700 Moore Drive
	Assessor's Parcel Number:	Adjacent to: 048D-7310-023-00
	Proposal:	To install a new 36' 11" telecommunications monopole including 2 antennas and pole-mounted equipment.
	Applicant /	Matt Yergovich (for: AT&T)
	Phone Number:	(415) 596-3747
	Owner:	Public right-of-way: City of Oakland
	Case File Number:	PLN14045
	Planning Permits Required:	Major Conditional Use Permit with additional findings for Monopole Telecommunications Facility in a Residential Zone; Regular Design Review and additional findings; Variance to locate within 1,500 feet of any existing monopole
	General Plan:	Hillside Residential
	Zoning:	RH 4 Hillside Residential Zone
	Environmental Determination:	To be determined
	Historic Status:	Non-historic property
	Service Delivery District:	2
	City Council District:	4
	Date Filed:	March 10, 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, Planner II at (510) 238-2071 or arose@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.



- 6.
- Location:** 0 Wood Street/1750 - 14th Street (APNs: 007-0551--014-00; 007-0551--015-00; 007-0551--016-00; 007-0551--017-00)
- Proposal:** To combine four vacant parcels, re-subdivide them into 10 mini-lots and construct 10 new single family dwellings (one dwelling on each lot).
- Owner/Applicant:** 3294 Louise Street LLC
- Contact Person /Phone No.:** Francesca Boyd (510)428-1714
- Case File Number:** TTM8191 & PLN14110
- Planning Permits Required:** Tentative Tract Map for a mini-lot subdivision to create ten (10) mini lots; Minor Conditional Use Permits for Mini-Lot Development and for a shared Access Facility, Regular Design Review for new construction of ten (10) new single family dwellings; and Minor Variance to allow a 22-foot separation between driveways where 25 minimum is required .
- General Plan:** Housing and Business Mix
- Zoning:** HBX-2 Housing and Business Mix Zone 2
- Environmental Determination:** State CEQA Guidelines: Categorically Exempt, Sections 15332; Infill developments. Special Situation, Section 15183, projects consistent with a community plan, general plan or zoning.
- Historic Status:** Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A
- Service Delivery District:** 1
- City Council District:** 3
- Status:** Pending
- 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 **Maurice Brenyah-Addow** at (510) 238-6342 or by email at: mbrenyah@oaklandnet.com

- 7.
- Location:** Lake Merritt Station Planning Area is generally bounded by 14th Street to the north, I-880 to the south, Broadway to the west and 5th Avenue to the east.
- Proposal:** Conduct a public hearing to provide comments on the Final Environmental Impact Report (FEIR), Final Station Area Plan, and associated General Plan amendments, Municipal Code and Planning Code amendments, and Design Guidelines (collectively called "Related Actions").
- Applicant:** City of Oakland
- Case File Number:** ZS11225, ER110017, GP13268, ZT13269, RZ13270
- General Plan:** Land Use and Transportation Element (LUTE) Areas:
Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use
Estuary Policy Plan Areas:
Planned Waterfront Development 1, Mixed Use District
- Zoning:** CBD-X, CBD-P, CBD-P/CH, CBD-R, CBD-C, OS-(SU), OS-(LP), OS-(NP), OS-(RCA), S-2, RU-4, RU-5, M-40/S-4



Environmental Determination: All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Lake Merritt Station Area Plan

(continued on page 8)

(continued from page 7)

Historic Status: The Plan Area includes cultural/historic resources that include CEQA Historic Resources and may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D by the Oakland Cultural Heritage Survey; and Landmark properties.

Service Delivery District: Metro, 3

City Council District: 2, and a small portion of 3

Status: The RTC/FEIR and Specific Plan was released on July 28, 2014.

Action to be Taken: Receive public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the Final Station Area Plan and Related Actions.

For Further Information: Contact Christina Ferracane at **510-238-3903** or

cferracane@oaklandnet.com

Project website: <http://www.business2oakland.com/lakemerrittsap>

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

July 16 and August 6, 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
Zoning Manager
Planning and Zoning Division**

NEXT MEETING: September 17, 2014

*Revised 8-25-14 to indicate Items 2, (2040 Tampa Avenue) 4 and 5 (Andrews Street and Moore Drive) being removed from this agenda.