



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

September 21, 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.



**New web-site staff report
download instructions**

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.

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

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.

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| 1. | <p>Location: Inside EBMUD's Water Reservoir property at the Southeast Intersection of Bullard Dr & Estates Dr (APN: 048C-7188-001-02)</p> <p>Proposal: To install a 55 foot high Monopine tree to contain 3 directional antenna panels, and to install 2 ground-mounted equipment cabinets inside a 6 foot high wooden shelter, located to the north of the water reservoir facility.</p> <p>Contact Person: T-Mobile/ Chris Coones</p> <p>Phone Number: (916) 716-1416</p> <p>Owner: East Bay Municipal Utilities District (EBMUD)</p> <p>Case File Number: CMDV11-049</p> <p>Planning Permits Required: Major Conditional Use Permit to operate a Monopole Telecommunications facility in a residential zone;
Regular Design Review to install a Telecommunications Facility; and
Minor Variance to exceed the maximum allowed height of 45 foot where 55 foot high is proposed</p> <p>General Plan: Hillside Residential</p> <p>Zoning: RH-4 Hillside Residential 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: (PDHP) Potential Designated Historic Property</p> |
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- (continued on page 4)
- Survey Rating: Db +3



(continued from page 3)

Service Delivery District:2

City Council District: 4

Date Filed: March 21, 2011(revised plans submitted on 08/30/11)

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 mriviera@oaklandnet.com

2.

Location: 2701 High Street

Assessor' s Parcel 032 -2058-098-00

Number:

Proposal: To expand a telecommunications facility at a four-story apartment building by replacing three (3) antennas in one of two existing rooftop penthouses, installing three (3) additional antennas there, and replacing two (2) equipment cabinets inside the ground floor.

Applicant/ Michelle Weller / Cortel (for: Sprint)

Phone Number: (925) 997-1312

Owner: Luis Dasilva

Case File Number: CMD11-44

Planning Permits Required: Major Conditional Use Permit with additional telecommunications findings to expand a telecommunications facility located in a residential zone;

Regular Design Review with additional findings

General Plan: Mixed Housing Type Residential

Zoning: RM-4 Mixed Housing Type Residential Zone – 4

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines:
Existing Facilities;
Section 15183 of the State CEQA Guidelines:
Projects Consistent with a Community Plan, General Plan or Zoning

Historic Status: Non-Historic Property

Service Delivery District: IV

City Council District: 4

Date Filed: July 28, 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, 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, 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.

3.	Location:	3211-3219 Lakeshore Avenue (APN 011-0838-024-00)
	Proposal:	Allow an Adult Entertainment Activity (Retail Sales)
	Contact Person/Phone Number:	Barnaby Ltd. (415)974-8985
	Owner:	Terry Gardner
	Case File Number:	CMV10-142
	Planning Permits Required:	Major Conditional Use Permit for Adult Entertainment Activity (merchandise and educational/health workshops) and Major Variance for Location within 1000 Feet of a Residential Zone
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-1 Neighborhood Commercial Zoning District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301
	Historic Status:	D2 + Potential Designated Historic Property, Area of Secondary Interest Contributor, Minor Importance; LS2 Lakeshore Avenue Commercial District
	Service Delivery District:	3
	City Council District:	2
	Staff Recommendation:	Decision based on Staff Report
	Finality of Action:	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/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.

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| 4. | <p>Location: 1101-58th Avenue</p> <p>Assessor' s Parcel Number: 041 -3892-062-02</p> <p>Proposal: To appeal the Zoning Manager' s decision to deny an application.
The application requested Zoning approvals to convert a vacant lot located in a residential neighborhood for use as a rear driveway to a warehouse property (1100-57th Avenue) located in an abutting industrial district.
(Appeal of CDV09310 denied February 28, 2011)</p> <p>Appellant/ Phone Number: Martin Johnson (510) 913-6126</p> <p>Owner: Martin Johnson</p> <p>Case File Number: A11-41 (Appeal of CDV08-310 denied February 28, 2011)</p> <p>Planning Permits Required: Minor Conditional Use Permit to extend a use (industrial) into an adjacent zone (residential);
Regular Design Review for construction (fence);
Minor Variances (2) for driveway separations of 10-feet where 25-feet is required, both sides</p> <p>General Plan: Detached Unit Residential*
<i>*General Industrial/Transportation at time application was submitted and deemed complete December 3, 2008</i></p> <p>Zoning: RD-2 Detached Unit Residential Zone * (front)/
IG General Industrial Zone + S-19 Health and Safety Protection Overlay Zone (rear)
<i>* R-50 Medium Density Residential Zone at time of Appeal submittal</i></p> <p>Environmental Determination: Exempt, Section 15270 of the State CEQA Guidelines:
Projects Which Are Disapproved</p> <p>Historic Status: No record (vacant lot)</p> <p>Service Delivery District: V</p> <p>City Council District: 6</p> <p>Date Filed: March 10, 2011</p> <p>Action to be Taken: Deny the Appeal and uphold the Zoning Manager' s decision to deny the application</p> <p>Finality of Decision: Final. Not administratively appealable.</p> <p>For Further Information: Contact case planner Aubrey Rose, Planner II at (510) 238-2071 or arose@oaklandnet.com</p> |
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COMMISSION BUSINESS

Approval of Minutes

August 3, 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: October 5, 2011