



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

October 19, 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

Committee Reports

Commission Matters

Commission Fall-Winter Schedule of Meetings

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:	4292 Keller Avenue (APN: 040A-3847-004-15)
	Proposal:	To expand a wireless telecommunications facility consisting of antennas attached to the sides of a church' s upper story and equipment cabinets located in ground level shelters by replacing two antennas and two cabinets.
	Applicant/	Michelle Weller/Cortel (for: Sprint)
	Phone Number:	(925) 997-1312
	Owner:	Sequoyah Community Church
	Case File Number:	CMD11-160
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review each with additional findings to expand a telecommunications facility located within a residential zone
	General Plan:	Detached Unit Residential
	Zoning:	RD-1 Detached Unit Residential Zone – 1
	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:	Not a Potential Designated Historic Property Survey Ratings: *3
	Service Delivery District:	VI
	City Council District:	7
	Date Filed:	August 18, 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



2. **Location:** 4601 Shattuck Avenue (APN: 013-1160-005-00)
Proposal: To install nine small Radio Remote Unit (RRU' S) antennas behind the north, east and west sides of the building parapet, replace six wall-mounted antenna panels located on the north, east and west sides of the upper exterior building walls, and to replace two equipment cabinets located inside the 6th floor of the 68 foot high commercial building.
Applicant/Contact Person: Cortel, LLC/Sprint, Michelle Weller
Phone Number: (925) 997-1312
Owner/Contact: Storquest Self Storage
Case File Number: CMD11-159
Planning Permits Required: Major Conditional Use Permit to install a Macro Telecommunication Facility within 100 feet of the boundary of a residential zone; and Regular Design Review for new wireless antennas.
General Plan: Neighborhood Center
Zoning: CN-2 Neighborhood Commercial 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: C3, Secondary Importance
Service Delivery District: 2
City Council District: 1
Date Filed: August 18, 2011(revised plans submitted on (08/18/11)
Action to be Taken: Decision based on staff report
Finality of Decision: Appealable to City Council within 10 calendar days
For Further Information: Contact Case Planner Mike Rivera at (510) 238-6417, or by email at mriviera@oaklandnet.com

3. **Location:** 6929 Chabot Road, (APN: 048A-7084-013-04)
Proposal: Installation of a wireless telecommunication facility. The project would include; a modification to an existing roof top wireless facility and add three (3) new panel antennas, and associated equipment behind screened roof top enclosure, and add three (3) screened equipment cabinet located on ground floor of the Alameda County school office building site.
Applicant: The Lyle Company for AT&T Wireless Co.
Contact Person/Phone Number: John Yu
(916)801-6112
Owner: Alameda County Superintendent of Schools.
Case File Number: CMD11-073
Planning Permits Required: Major Conditional Use Permit and Design Review to install a roof top antennas and associated equipment for a Macro Telecommunication Facility located on Alameda County office building within a residential zone.
General Plan: Hillside Residential
Zoning: RH-3 Hillside residential 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.
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(continued from page 4)	Not a Potential Designated Historic Property; Survey Rating: N/A
Historic Status:	
Service Delivery District:	2
City Council District:	1
Status:	Pending
Action to be Taken:	Decision of Application
Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@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:** 1701 Martin Luther King Jr. Way
APN: 003-0059-006-00
Proposal: To construct a new five-story, 26 unit multi-family affordable housing residential building with a Service-Enriched Permanent Housing Residential Activity Component.
Applicant: Resources for Community Development
Contact Person/Phone Number: Brian Saliman (415)297-2258
Owner: Mark & Patricia Lindquist
Case File Number: CMDV11-065
Planning Permits Required: Regular Design Review to construct a new five-story, 26 unit multi-family affordable housing residential building.
Major Conditional Use Permit for a Service-Enriched Permanent Housing Residential Activities.
Minor Conditional Use Permit for a Density Bonus for 26 very low income residential units and a Density Incentive for 5 parking spaces.
Minor Variance for (1) 100% of the required open space on the rooftop; (2) A ground floor height of 13' -6" where 15' -0" is required; and a curb cut separation of 0' where 10' -0" is required.
General Plan: Central Business District
Zoning: CBD-X Central Business District-X
Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; In-fill development projects.
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: F3
Service Delivery District: Metro
City Council District: 3
Status: Pending
Action to be Taken: Decision of 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:	311 Broadway (APN 001-0137-005-00)
	Proposal:	Allow sales of alcoholic beverages and group assembly
	Contact Person/Phone Number:	Douglas Kinsey, Elderwood & Belgrave LLC (510)282-1413
	Owner:	Leon & Jessica Zektser Trs.
	Case File Number:	CM11-175
	Planning Permits Required:	Major Conditional Use Permit to allow Alcoholic Beverage Service pursuant to OPC Section 17.102.210; and Group Assembly for entertainment events
	General Plan:	Estuary Plan – Retail, Dining-- ES7
	Zoning:	C-45/S-4 Community Shopping Commercial District/Design Review Combining District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303
	Historic Status:	Designated Historic Property, B*2 +, ASI contributor, major importance (1861-62), Lower Broadway Historic District
	Service Delivery District:	Metro

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City Council District: 3
Date Filed: September 7, 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

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Location: 5803 Foothill Boulevard (APN' s: 038-3182-020-00; -021; -022; -023-00; -024; -025; -026; -001; -002; -003 & -005)

Proposal: Proposal would include the development of a new commercial center on a site owned by the Oakland Redevelopment Agency, which has recently been cleared of approximately 25,000 square feet of various commercial buildings. The proposal includes two new buildings fronting on Foothill Boulevard with a surface parking lot in the rear, along with one additional building pad in the middle of the parking lot and one fronting on Bancroft Avenue. The buildings would include a total of up to 26,950 square feet of new commercial space and 73 off-street parking stalls. The buildings fronting on Foothill Boulevard would contain a mix of retail sales, and food sales, and potentially a Financial Services Activity (Retail Bank), with the larger retail building containing a drive-thru for a pharmacy window at the rear of the building. The interior building pad in the parking lot would be proposed for a limited service restaurant and cafe activity with a proposed alternative that could also include a drive-thru, but would not be permitted for a fast-food activity. The building pad on Bancroft Avenue would contain retail sales.

Applicant: Sunfield Development

Contact Person/Phone Number: Sid Afshar, (510) 452-5555

Owner: Oakland Redevelopment Agency

Case File Number: CMDV11-076

Planning Permits Required: Regular Design Review for new construction, Major Conditional Use permits for a retail activity exceeding 5,000 square feet and a master sign program, Major Variance for a Drive-Thru facility, and a Minor Variance for minimum transparency on Foothill Boulevard (29% proposed; 65% required).

General Plan: Neighborhood Center Mixed Use

Zoning: CN-3, Neighborhood Center 3

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects; and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.

Historic Status: Not a historic property – vacant lot

Service Delivery District: 5

City Council District: 6

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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 Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@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.

(There are no Appeals on this agenda)

COMMISSION BUSINESS

Approval of Minutes September 21, 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: November 2, 2011