



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

**November 16, 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.**

**Sgnt. 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

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***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 3<sup>rd</sup> 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](http://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](mailto:cdunaway@oaklandnet.com) or 510-238-2912 or Gwen Brown at [gbrown@oaklandnet.com](mailto: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.

## ***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.

1. **Location:** 4292 Keller Avenue  
**Sequoyah Community Church (APN: 040A-3847-004-16)**  
**Proposal:** To expand a wireless telecommunications facility consisting of several carriers' antennas attached to the sides of a church's roof parapet and equipment cabinets located in a ground level shelter by replacing antennas and cabinets and installing additional antennas.  
  
*On October 19, 2011 the Planning Commission denied the project by a non-binding straw vote of 4-1 and advised the applicant to return November 196<sup>th</sup> with a revised design consisting of concealed antennas*  
**Applicant/** Michelle Weller/Cortel (for: Sprint)  
**Phone Number:** (925) 997-1312  
**Owner:** Sequoyah Community Church  
**Case File Number:** CMD11160  
**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](mailto:arose@oaklandnet.com)

2. **Location:** 4601 Shattuck Avenue (APN013-1160-005-00)
- Proposal:** To collocate nine small Radio Remote Unit (RRU' S) antennas behind the north, east and west sides of the building parapet, replace six wall-mounted directional antenna panels located to the north, east and west sides of the exterior building walls, and to replace two equipment cabinets located inside the 6<sup>th</sup> floor of the 68 foot high commercial building.
- Note:** *On October 19, 2011 the Planning Commission voted 3-2 on a non-binding straw vote to deny the application and advised the applicant to return on November 16<sup>th</sup> with a revised alternative design plan to conceal the antenna replacement.*
- 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
- 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
- Date Filed:** August 18, 2011(revised plans submitted on 10/05/11)
- 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 [mrivera@oaklandnet.com](mailto:mrivera@oaklandnet.com)

3. **Location:** 1525 7<sup>th</sup> Avenue (APN 020-0176-009-00)  
**Proposal:** Amending Conditional Use Permit to allow 3 additional bedrooms in 20-unit Service Enriched Housing facility  
**Contact Person/Phone Number:** David Choi (415)503-7015  
**Owner:** Chen Yanling  
**Case File Number:** REV 11-013  
**Planning Permits Required:** Revision to Major Conditional Use Permit CM08-041 to allow 3 additional bedrooms in 20 unit Service Enriched Housing facility, with no additional exterior building volume  
**General Plan:** Mixed Housing Type  
**Zoning:** RM-3 Residential  
**Environmental Determination:** Exempt, Section 15303 of the State CEQA Guidelines: Modification of small structures Additional citation: Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning  
**Historic Status:** Not Designated Historic Property/City Landmark (No substantial exterior alterations proposed).  
**Service Delivery District:** 3  
**City Council District:** 2  
**Staff Recommendation:** Approve  
**Finality of Decision:** Appealable to City Council within 10 days  
**For Further Information:** Contact David Valeska at (510) 238-2075 or [dvaleska@oaklandnet.com](mailto:dvaleska@oaklandnet.com)

4. **Project Name:** Emerald Views Residential Development
- Location:** 222 19<sup>th</sup> Street (APN: 008-0634-003-00)
- Proposal:** A Public Hearing on the Draft Environmental Impact Report (DEIR) to obtain comments on the environmental analysis related to the redevelopment of the Schilling Garden. The proposal includes demolition of the Schilling Garden and construction of a 42-story high-rise residential tower with approximately 370 units. The ground floor would include a lobby, a 993 sq. ft. ground floor café, and other building operation uses. Project parking (357 parking stalls) would be provided in five levels of subsurface parking. Approximately 14,220 sq. ft. of public usable open space would be provided at grade, while 20,850 sq. ft. of private open space would be located on balconies and the roof.
- Applicant:** Ian Birchall
- Contact Person/Phone Number:** Ian Birchall / (415) 512-9660
- Owner:** David and Kari O'Keefe
- Case File Number:** ER06-0009; CMDV06-142
- Planning Permits Required:** Major Conditional Use Permit (CUP) for a large-scale development over 100,000 square feet of new floor area or more than one hundred twenty (120) feet in height; Major Interim CUP for a Floor Area Ratio (FAR) that exceeds zoning but is consistent with the General Plan; Minor Variances for outdoor General Food Sales, percentage of compact parking spaces, number of required parking spaces, dimensions of parking spaces against a column or other obstruction, tandem parking spaces, number of required loading berths; and Major Design Review.
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<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	R-90 Downtown Apartment Residential Zone S-4 Design Review Combining Zone S-17 Downtown Residential Open Space Combining Zone <i>Effective July 21, 2009, the zoning of the Project Site was changed to CBD-R, Central Business District Residential. However, pursuant to Section 6 of the rezoning ordinance, the proposed Project is "grandfathered" under the R-90, S-4, and S-17 zones, and thus the City is processing the application per the requirements of these zones.</i>
<b>Environmental Determination:</b>	The DEIR was published for a 45-day review period from October 4, 2011 to November 17, 2011
<b>Historic Status:</b>	The proposed Project would be constructed on the site of the Schilling (August) Garden, located behind the 244 Lakeside Apartment Building and adjacent to Snow Park. This garden is a Designated Historic Property (DHP), Local Register Property and rated an A1+, of the "highest importance" by the Oakland Cultural Heritage Survey (OCHS). The garden is also an anchor and primary contributor to the 244 Lakeside Drive Building Group, an Area of Primary Importance (API). This building group includes the Schilling Garage and 244 Lakeside Apartments. The 244 Lakeside Drive Building Group API lies entirely within the Lake Merritt API and City Landmark, and its contributors are also contributors to the Lake Merritt API.
<b>Service Delivery District:</b>	Downtown Metro
<b>City Council District:</b>	3
<b>Action to be Taken:</b>	Receive public and Planning Commission comments on the DEIR
<b>For Further Information:</b>	Contact project planner <b>Heather Klein</b> at (510) 238-3659 or by email <a href="mailto:hklein@oaklandnet.com">hklein@oaklandnet.com</a>

## **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**

**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:*** December 14, 2011