



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

December 4, 2013
Regular Meeting

Revised 11-21-13 *(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.

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 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:** 10911 Russet Street (APN: 045-5257-011-00) (10/28/13)
 Proposal: - **Modification to existing** Telecommunication facilities (Monopole and associated telecommunication facilities and equipment) to add 12 new antennas , 15 new RRU's, and increases the height of the pole by 10' overall.
 Applicant: Modus Inc. for A T & T
Contact Person/Phone Number: Modus Inc. (925)963-5011
 Owner: Union Pacific Railroad Company
 Case File Number: CMD13-299
Planning Permits Required: Major Conditional Use Permit and Regular Design Review to establish new Telecommunication facility (adding 12 new un-concealed panel antenna and 15 RRU's on an existing Monopole for a total of 15 antennas and 15 RRU's) within 300 feet of a residential zone.
 General Plan: Detached Unit residential
 Zoning: IG, General Industrial Zone and S-19 Health and Safety Protection Combining Zone
Environmental Determination: Exempt, Section 15301 of the State of CEQA Guidelines; existing facilities.
 Historic Status: Not a Historic Property
 Service Delivery District: 6
 City Council District: 7
 Status: Pending
 Action to be Taken: Decision based of staff recommendation
 Finality of Decision: Appealable to the City Council within 10 days
For Further Information: Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com

2. **Location:** 1940 23rd Avenue (APN: 021-0249-026-00)
 Proposal: Installation of a wireless telecommunication facility. The project would include; installation of six (6) new antennas and three tower amplifiers to be placed behind a new stealth (4'x4') chimney located on the roof of the church building. The associated mechanical equipment is placed inside the church structure.
 Applicant: Wireless Network Support for Metro PCS.
Contact Person/Phone Number: Mark Bullard (916)801-6112
 Owner: West Oakland Church of God Inc.
 Case File Number: CMD13-312
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Planning Permits Required: Major Conditional Use Permit and Design Review to install roof top antennas for a Mini Telecommunication Facility located in residential zone.

General Plan: Mixed Housing Type Residential

Zoning: RM-3 Residential Mixed Housing Type-3

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing telecommunication 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: 4

City Council District: 5

Status: Pending

Action to be Taken: Decision of Application

Finality of Decision: Appealable to the City Council within 10 days

For Further Information: Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@oaklandnet.com

3.

Location: 3401 International Boulevard (APN: 033-2196-021-05)

Proposal: Installation of a wireless telecommunication facility. The project would include; replacement of existing three (3) antennas with six (6) new screened antennas and three (3) tower mounted amplifiers located on the roof four-story mixed use building.

Applicant: Wireless Network Support for Metro PCS.

Contact Person/Phone Number: Mark Bullard (916)801-6112

Owner: Fruitvale Enterprises, LLC.

Case File Number: CMD13-314

Planning Permits Required: Major Conditional Use Permit and Design Review to install roof top antennas for a Macro Telecommunication Facility located within 100' of residential zone.

General Plan: Neighborhood Center Mixed Use

Zoning: CN-2 Neighborhood Center -2

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing telecommunication 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: 4

City Council District: 5

Status: Pending

Action to be Taken: Decision of Application

Finality of Decision: Appealable to the City Council within 10 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 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.

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| 4. | Location: 457 17 th St (1635 Broadway + 1644 Telegraph Av)
<i>-Bar Dogwood expansion to Broadway-</i> |
| | Assessor's Parcel Number: 008 -0640-012-00 |
| | Proposal: To expand an 838 square feet bar business approved in 2010 and located on Telegraph Avenue at the corner of 17 th Street (Bar Dogwood) by occupying the adjoining 637 square feet space at Broadway/17 th St and adding a second bar area and street entrance there. |
| | <i>Façade improvements to the new space were approved August 29, 2013 and would complement existing improvements featuring extensive glazing.</i> |
| | Applicant / Alexis Filipello |
| | Phone Number: (510) 381-5394 |
| | Owner: Richard Weinstein |
| | Case File Number: CM13275 |
| | Planning Permits Required: Major Conditional Use Permit to expand an Alcoholic Beverage Sales Commercial Activity's area by more than 20-percent |
| | General Plan: Central Business District |
| | Zoning: CBD-P Central Business District Pedestrian Retail Zone |
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Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines:
Existing Facilities (operation);
Section 15183:
Projects Consistent with a Community Plan, General Plan or Zoning

Historic Status: Potential Designated Historic Property; Survey rating: Cb-1+ (contributor to
Downtown Area of Primary Importance)

Service Delivery District: Metro

City Council District: 3

Date Filed: September 25, 2013

Action to be Taken: Decision based on staff report

Finality of Decision: Appealable to the City Council within 10 days

For Further Information: Contact case planner **Aubrey Rose AICP, Planner II**
at (510) 238-2071 or arose@oaklandnet.com

5. **Location:** The Lake Merritt Station Area Plan 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:** The City is preparing a Lake Merritt Station Area Plan (Plan) for the area surrounding the Lake Merritt BART Station that will provide a roadmap for how the area develops over the next 25 years. The purpose of this public hearing is to solicit/provide comments on the Draft Environmental Impact Report (DEIR) associated with the draft Plan, Design Guidelines, and General Plan and Planning Code Amendments (text and map changes).
- Applicant:** City of Oakland
- Case File Number:** ZS11225, ER110017, GP13287, ZT13288, RZ13289
- 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:** An Environmental Impact Report is being prepared for the Lake Merritt Station Area Plan. The DEIR was released on October 31, 2013, and the 45-day public review period ends on December 16, 2013.
- Historic Status:** The Plan area includes Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, D; and Landmark properties. Many of these properties are considered CEQA Historic Resources in the DEIR, since they 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).

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(continued from page 6)	Metro, 3
Service Delivery District:	
City Council District:	2, and a small portion of 3
Action to be Taken:	Receive public and Planning Commission comments on the DEIR. No decisions will be made on the project at this hearing. This is the continuation of the public hearing from November 20, 2013 Planning Commission Meeting.
For Further Information:	Contact project planner 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, 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 November 6, 2013

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: December 18, 2013

*Revised 11-21-13 to indicate addition of Item #5 (Lake Merritt Station Area Plan) as continued from the November 20, 2013 Planning Commission Meeting.