Oakland City Planning Commission AGENDA

C. Blake Huntsman, Chair
Doug Boxer, Vice Chair
Michael Colbruno
Sandra E. Gálvez
Vince Gibbs
Vien Truong
Madeleine Zayas-Mart

April 7, 2010
Regular Meeting

MEAL GATHERING ***5:00P.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.***

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 l0imited 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 discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.

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 devise, 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.

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 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** by searching "Frequently Visited Pages" located on the City of Oakland Homepage. Clicking on "Planning Commission Meetings" will open a menu of Planning Commission and Committee Agendas. Staff reports are available on the selected agenda by clicking on the highlighted case file number. 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 Section1094.6, 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.

Applicants or members of the public that plan power point presentations: Please contact Gwen Brown at gbrown@oaklandnet.com or 510-238-6194 at least 48 hours prior to the meeting.

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:	**2235 Chestnut Street (APN: 005-0427-003-00)**
Proposal:	To install a wireless communication facility for 3 panel antennas, and 1 microwave antenna behind the window louvers of the building tower including 1 utility cabinet on the rooftop of the three-story facility.
Contact Person/ Phone Number:	Cortel Clearwire, Michelle Weller (925) 997-1312
Owner:	West Grand-Adeline Associates, Francis Rush
Case File Number:	**CM09-254**
Planning Permits Required:	Major Conditional Use Permit to operate a new wireless communication facility within 100 feet of the boundary of a residential zone; Regular Design Review for new wireless antennas.
General Plan:	Business Mix
Zoning:	CIX-1 Commercial Industrial Mix 1 Zone; and S-19 Health and Safety Protection Overlay Zone
Environmental Determination:	Exempt, Section 15301 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:	1
City Council District:	3
Date Filed:	November 11, 2009
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 mrivera@oaklandnet.com

2. **Location:**	**6670 Broadway (APN: 048H-7591-004-01)**
Proposal:	Installation of a wireless facility consisting; one equipment cabinet, located within existing chain link fence enclosure at the ground floor, one microwave antennas, and three panel antennas at approximately 58'-8" high attached to an existing monopole tower with 9 existing antennas for a total of 13 telecommunication antennas located on PG and E substation facilities.
Applicant:	Cortel c/o Clearwire
Contact Person/Phone Number:	Michelle Weller (925)997-1312
Owner:	PG and E.
Case File Number:	**CMD10-022**
Planning Permits Required:	Regular Design Review to install 1 microwave antenna, 3 panels telecommunication antennas and one equipment cabinet to be located within existing chain link fence enclosure . Major Conditional Use Permit for the antennas co-location on an existing Monopole Telecommunication Facility within R-30 Residential Zone.
General Plan:	Resource Conservation
Zoning:	R-30 Single Family Dwelling 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.
Historic Status:	Not a Potential Designated Historic Property; Survey Rating: N/A
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 days
For Further Information:	Contact case planner Jason Madani at **(510) 238-4790** or by email: js**madani@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. Such appeals 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.

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.
Ukl;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, it should be received by the Commission.

3.	
Location:	**146 Grand Avenue (APN 008-0655-005-00)**
Proposal:	Alcoholic Beverage Service (Not in a Full Service Restaurant) in 2,000 square foot existing space
Contact Person/Phone Number:	Greg Eng (510)301-5381 for TruBurger
Owner:	John Shanahan
Case File Number:	**CM09-289**
Planning Permits Required:	Major Conditional Use Permit for Alcoholic Beverage Sales (Not in a Full Service Restaurant), in a Limited Service Restaurant, hours 7 am to 10 am, for approximately 30 persons at one time
General Plan:	Central Business District
Zoning:	CBD-P Central Business District-Pedestrian Retail Commercial Zone
Environmental Determination:	Exempt, Section 15301 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:	2
City Council District:	3
Staff Recommendation:	Approve
Finality of Decision:	Appealable to the City Council within 10 days
For Further Information:	Contact **David Valeska at (510) 238-2075** or dvaleska@oaklandnet.com

4.	**Location:**	**Citywide**
	Proposal:	Submittal requirements for applications to demolish historic structures and revisions to the City of Oakland Planning Code that would create new required findings for the demolition of historic structures.
	Applicant:	Planning Commission
	Case File Number:	**ZT10052**
	Planning Permits Required:	Zoning Text Amendment to adopt new findings required for the demolition of historic structures
	General Plan:	All classifications
	Zoning:	All zones
	Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Final Environmental Report for the 1998 Amendment to the Historic Preservation Element of the General Plan; the Housing Element Update Initial Study/Mitigated Negative Declaration (2004); and CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning."
	Service Delivery District:	All Districts
	City Council District:	All Districts
	Status:	Recommended for consideration by the Zoning Update Committee.
	Action to be Taken:	Recommendation to the City Council
	For Further Information:	Contact case planner Neil Gray at **(510) 238-3878** or by email: **ngray@oaklandnet.com**

5.	**Project Name:**	**Citywide**
	Proposal:	Add Title 18, Sustainability, Chapter 18.02 Sustainable Green Building Requirements for Private Development Buildings to the Oakland Municipal Code which will require mandatory green building requirements for private development projects.
	Applicant:	City Planning Commission
	Contact Person/Phone Number:	Heather Klein / (510) 238-3659
	Case File Number:	**ZT09-157**
	General Plan:	Various Citywide
	Zoning:	Various Citywide
	Environmental Determination	CEQA Guidelines Sections 15060(c)(2), 15061(b)(3) (General Rule), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), 15308 (Actions by Regulatory Agencies for Protection of the Environment), and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning)
	Historic Status:	Various Citywide
	Service Delivery District:	All
	City Council District:	All
	Status	The Special Projects Committee and the Landmarks Preservation Advisory Committee recommended that the item be heard before the full Planning Commission.
	Action to be taken	Recommendation to City Council contained within staff report
	For further information:	Contact case planner **Heather Klein at (510) 238-3659** or hklein@oaklandnet.com.

PLASE NOTE: ITEM NO. 6, BELOW, WILL NOT BE HEARD PRIOR TO 8:00 P.M.

6. **Location:** **Bentley School; 1 Hiller Drive, 245, 251,and 261 Tunnel Road**
APN: 048H-7576-001-04, 048H-7576-030-02, 064 -4231-015 through 064 - 4231-017

Proposal: Revisions to the following Bentley School Major Conditional Use Permit (CUP) Conditions of Approval:

1. Condition #1 to allow 62 full-time equivalent's (FTE) with an employee cap of 71;
2. Condition #14d to reduce the number of single occupancy vehicles (SOV) driven by 25% of 431 (360 students and 71 employees) or 323 trips by the beginning of the fall trimester 2010 and by 35% or 280 by the beginning of the fall trimester 2012.
3. Condition #20 to permit a maximum of 62 FTE's / 71 employees.
4. Condition #27 *(Case File CM04-411)* and thus allow all K-12 administrators and staff and their associated offices to remain at the Hiller Drive campus and to require these persons to park off site (not on Hiller Drive or within the Hiller Highlands). The school has proposed to reduce the vehicle trips to 317 in fall 2010 and to 274 in fall 2012 if allowed until fall 2010 to demonstrate, through a vehicle trip monitoring metric in the TDM, that retention of these staff persons on the Hiller campus will not increase traffic above existing staffing levels (inclusive of six K-12 administrators).

Clarifications to the following Bentley School Major Conditional Use Permit (CUP) Conditions of Approval:

1. Condition #14a to provide assigned spaces to all full and part-time faculty and staff. Here faculty and staff mean 62 FTE's / 71 employees. *The existing parking spaces are already assigned to full and part-time staff. Additional details of parking management for school employees will be addressed in the Parking and Traffic Demand Management Plan (TDM).*
2. Condition #14g to provide free AC Transit bus passes to students and faculty. *Faculty here means 62 FTE's / 71 employees.*

Applicant: Bentley School
Contact Person/Phone Number: Duncan Lyon / (510) 843-2512
Owner: Bentley School
Case File Number: **REV10-0003**
Planning Permit Required: Major Changes to Condition of Approval # 1 (Approved Use), # 14a (Parking Management Strategies) # 14d (Minimum Bus Ridership Reductions or SOV Reductions), #14g (Transit Subsidy Program), # 20 (School Enrollment / Hours of Operation / Employees), and #27 (Bentley School Administration).
General Plan: Hillside Residential
Zoning: R-30 One-Family Residential Zone
Environmental Determination: An Environmental Impact Report was previously certified by the Planning Commission on October 21, 2009. As a separate and independent basis, the project was also found exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15061(b)(3), 15378(a) and/or 15183. No further environmental review is required.

(continued on page 8)

(continued from page 7)	II – North Oakland
Service Delivery District:	
City Council District:	1
Action to be Taken:	Decision on the application based on staff report
Finality of Decision:	Appeable to City Council
For Further Information:	Contact case planner **Heather Klein** at **510 238-3659** or by e-mail at hklein@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.

COMMISSION BUSINESS

Approval of Minutes: March 17, 2010

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: April 21, 2010