Oakland City Planning Commission REVISED* AGENDA

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

August 4, 2010
Regular Meeting

Revised 7-30-10* (See End of Agenda)

MEAL GATHERING ***5:30 P.M.***

Hearing Room 3, City Hall, 1 Frank Ogawa Plaza, Oakland
Open to the public (Members of the public may bring 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

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.

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 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 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.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

Committee Reports

Commission Matters Commission Committee Assignments

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:**	**1880 Pleasant Valley Avenue**
Assessors Parcel Numbers:	**(013 -1128-014-01)**
Proposal:	Request for a Major Conditional Use Permit for a co-location of a new unmanned wireless telecommunication facility (macro) and Regular Design Review to install (3) microwave antennas and (3) panel antennas on the roof with the equipment cabinet located on the 2nd floor of the existing commercial building.
Applicant:	Clearwire Corp.
Contact Person/ Phone Number:	Charnel James (530) 219-1833
Owner:	Barton W. Bennett
Case File Number:	**CMD10-109**
Planning Permits Required:	Conditional Use Permit to install a new wireless telecommunication macro facility and Regular Design Review to install (3) panel antennas, (3) microwave antennas and a new enclosed equipment cabinet.
General Plan:	Mixed Housing Type Residential
Zoning:	R-50 Medium Density Residential Zone
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures, 15301 existing facilities; 15183 Projects consistent with the General Plan or Zoning.
Historic Status:	Not Potential Designated Historic Property (PDHP); Survey rating: X
Service Delivery District:	2
City Council District:	I
Date Filed:	5/3/10
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner **Jose M. Herrera-Preza** at **(510) 238-3808** or jherrera@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.

2.	**Location:**	**Skyline Boulevard, east side of street (north of Roberts Park entrance)**
	Proposal:	To install an approx. 41'-5"-tall Monopole Telecommunications Facility in the public right-of-way along Skyline Boulevard.
	Applicant/ Phone Number:	Sharon James / NextG (408) 426-6629
	Owner:	City of Oakland
	Case File Number:	**CM10-131**
	Planning Permits Required:	Major Conditional Use Permit with 2 sets of additional findings to allow a Monopole Telecommunications Facility in the OS Zone (OMC Sec. 17.11.080, 128.080(C), 134.020(A)(3)(f))
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General Plan:	Urban Open Space
Zoning:	OS (RSP) Open Space (Region-Serving Park) Zone
Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved
Historic Status:	No Historic Status (vacant portion of public right-of-way)
Service Delivery District:	IV – San Antonio/Fruitvale
City Council District:	4 – Quan
Date Filed:	June 3, 2010
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, Planer II** at **(510) 238-2071** or arose@oaklandnet.com

PLEASE NOTE: ITEM #3, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.

~~3.~~	~~**Location:**~~	~~**Skyline Boulevard, south side of street (southeast of Sequoyah Bayview trailhead beyond turn-out)**~~
	~~**Proposal:**~~	~~To install an approx. 37'-5" tall Monopole Telecommunications Facility in the public right-of-way along Skyline Boulevard.~~
	~~**Applicant/**~~	~~Sharon James / NextG~~
	~~**Phone Number:**~~	~~(408) 426-6629~~
	~~**Owner:**~~	~~City of Oakland~~
	~~**Case File Number:**~~	~~**CM10-141**~~
	~~**Planning Permits Required:**~~	~~Major Conditional Use Permit with 2 sets of additional findings to allow a Monopole Telecommunications Facility in the OS Zone (OMC Sec. 17.11.080, 128.080(C), 134.020(A)(3)(f))~~
	~~**General Plan:**~~	~~Resource Conservation Area~~
	~~**Zoning:**~~	~~OS (RCA) Open Space (Resource Conservation Area) Zone~~
	~~**Environmental Determination:**~~	~~Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved~~
	~~**Historic Status:**~~	~~No Historic Status (vacant portion of public right-of-way)~~
	~~**Service Delivery District:**~~	~~IV – San Antonio/Fruitvale~~
	~~**City Council District:**~~	~~4 – Quan~~
	~~**Date Filed:**~~	~~June 3, 2010~~
	~~**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, Planer II** at **(510) 238-2071** or arose@oaklandnet.com~~

4. **Location:**	**Skyline Boulevard, north side of street (adjacent to Chabot Space & Science Center street entrance)**
Proposal:	To install an approx. 36'-4"-tall Monopole Telecommunications Facility in the public right-of-way along Skyline Boulevard.
Applicant/	Sharon James / NextG
Phone Number:	(408) 426-6629
Owner:	City of Oakland
Case File Number:	**CM10-140**

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Planning Permits Required:	Major Conditional Use Permit with 2 sets of additional findings to allow a Monopole Telecommunications Facility in the OS Zone (OMC Sec. 17.11.080, 128.080(C), 134.020(A)(3)(f))
General Plan:	Urban Open Space
Zoning:	OS (RSP) Open Space (Region-Serving Park) Zone
Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved
Historic Status:	No Historic Status (vacant portion of public right-of-way)
Service Delivery District:	IV – San Antonio/Fruitvale
City Council District:	4 – Quan
Date Filed:	June 3, 2010
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, Planer II** at **(510) 238-2071** or arose@oaklandnet.com

5. **Location:**	**Uptown Parcels 1, 2 and 3 (APNs: 008-0716-052-00; 008-0716-054-00; and 008-0716-056-00); Area generally bounded by San Pablo Avenue, Thomas Berkley Way, Telegraph Avenue and 19th Street.**
Proposal:	Tentative Tract Map to create six codominiums for investment purposes, only (no conversion). Confirm adequacy of Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA).
Project Sponsor:	Forest City Development
Owner(s):	Oakland Redevelopment Agency.
Case File Number(s):	**TTM8046** and **ER03-0007** (related to **PUD05-037; TTM7616, GP05-105, RZ05-106, PUDF05047, CMV05-197, ZP03-0122)**
Planning Permits Required:	**TTM**
General Plan:	Central Business District
Zoning:	CBD-R
Environmental Determination:	The EIR was certified on February 18, 2004 by the Planning Commission, and has been subject to addenda.
Historic Status:	Site demolition and new construction in 2006-2009; no historic structures
Service Delivery District:	I – Downtown/West Oakland/Harbor
City Council District:	3
Status:	NA
Action to be Taken:	Consider approval of the TTM.
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact **Catherine Payne** at **510-238-6168** or by e-mail at cpayne@oaklandnet.com

6. **Location:**	**121-129 Moss Avenue (010-0813-015-00 and 010-0813-016-00)**
Proposal:	Condominium conversion of 12 rental dwelling units.
Owner:	Capitol & Cooley LLC, Kingston Associated LP
Contact Person/Phone Number:	Gregory McConnell (510) 834-0400
Case File Number:	**TTM8041**
Planning Permits Required:	Tentative Tract Map for a total of 50 condominium units, including 38 existing condominiums (currently rental units) approved under Tract Map 5133 and conversion of 12 rental units to condominium units. Conversion rights to be generated from 12 of the existing condominiums located on the subject site.
General Plan:	Mixed Housing Type Residential
Zoning:	R-70 High Density Residential Zone
Environmental Determination:	Exempt 15301; 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 Potentially Designated Historic Property, Survey Rating F3
Service Delivery District:	II
City Council District:	1
Status:	Pending
Action to be Taken:	Action to be taken based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Leigh McCullen at **(510) 238-4977** or by email at **lmccullen@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: June 16, 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: September 1, 2010

*Revised 7-30-10 to remove Item #3 from the agenda (Skyline Blvd. Telecom Case CM10-141) and to indicate that only Minutes from the June 16, 2010 meeting are to be reviewed.