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

December 15, 2010
Regular Meeting

Revised 12-7-10 & 12-9-10 (See End of Agenda*)

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

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 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.

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 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 California Preservation Foundation Conference, May 2012 – Planning Commission Support of Oakland Heritage Alliance Proposal to Locate Conference in Oakland

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.

PLEASE NOTE: ITEM #1, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.

~~1.~~ ~~**Location:**~~	~~**Public right-of-way (existing utility pole in sidewalk) on Nicol Avenue adjacent to 3100 Coolidge Avenue**~~
~~**Assessor's Parcel Number:**~~	~~**Adjacent to: 027 -0861-038-00**~~
~~**Proposal:**~~	~~To attach 2 panel antennas and various related equipment to an existing wooden utility pole for wireless telecommunications purposes. The pole measures 38'-8" in height and the antennas would top out at 48'-10".~~
	~~***This item was rescheduled from the October 20, 2010 hearing***~~
~~**Applicant/**~~	~~Dayna Aguirre (for: T-Mobile)~~
~~**Phone Number:**~~	~~(925) 784-7888~~
~~**Owners:**~~	~~Sidewalk: City of Oakland~~
	~~Utility pole: PG&E~~
	~~3100 Coolidge Ave.: Randy and Janet Lam~~
~~**Case File Number:**~~	~~**DR10-240**~~
~~**Planning Permits Required:**~~	~~Regular Design Review for Wireless Telecommunications Facility located within a Residential Zone (OMC Sec. 17.24.040, 17.136.040(C)(1))~~
~~**General Plan:**~~	~~Mixed Housing Type Residential~~
~~**Zoning:**~~	~~R-50 Medium Density Residential Zone~~
~~**Environmental Determination:**~~	~~Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities;~~
	~~Section 15138 of the State CEQA Guidelines: Project consistent with a Community Plan, General Plan or Zoning~~
~~**Historic Status:**~~	~~No historic rating~~
~~(continued on page 4)~~	~~(3100 Coolidge Ave.: Non-historic property; Survey rating: X)~~

~~(continued from page 3)~~	~~IV – San Antonio/Fruitvale~~
~~**Service Delivery District:**~~	
~~**City Council District:**~~	~~5 – De La Fuente~~
~~**Date Filed:**~~	~~August 30, 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, Planner II** at **(510) 238-2071** or arose@oaklandnet.com~~

2. **Location:**	**5650 Balmoral Drive**
Assessors Parcel Numbers:	**(085 -0102-014-00)**
Proposal:	Request for a Major Conditional Use Permit and Design Review to co-locate a total of six panel antennas and one equipment shelter for 8 cabinets located at the base of a "Mono-Pine".
Applicant:	Pat Kelly / Lyle Company
Contact Person/ Phone Number:	Pat Kelly (916) 281-5929
Owner:	East Bay Municipal Utility District
Case File Number:	CMD10-257
Planning Permits Required:	Major Conditional Use Permit to co-locate to an existing wireless telecommunication macro facility within a residential zone and Regular Design Review to add a total of 6 antennas and add a new equipment shelter. Minor variance to mount antennas 55' above grade where 45' is allowed. All new antennas will be fully screened within "Mono-Pine".
General Plan:	Institutional
Zoning:	R-10 Estate 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:	IV
City Council District:	VI
Date Filed:	9/30/10
Finality of Decision:	Appealable to City Council
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.

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.

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

~~3.~~	~~**Location:**~~	~~From 23rd Street in the south, Highway 580 in the north, Webster Street and lots on or near Broadway in the west, and Brook St., portions of Valdez Street 27th St., and Harrison Street in the east.~~
	~~**Proposal:**~~	~~To extend the Broadway Retail Frontage Interim Combining Zone regulations in Chapter 17.101C for an additional 2 years or until final adoption of the Broadway Retail frontage specific plan, whichever comes first.~~
	~~**Applicant:**~~	~~Planning Commission~~
	~~**Case File Number:**~~	~~**ZT10-300**~~
	~~**Planning Permits Required:**~~	~~Text Amendments~~
	~~**General Plan:**~~	~~Community Commercial, Urban Residential, and Mixed Housing Type~~
	~~**Zoning:**~~	~~D-BR (combined with various base zones)~~
	~~**Environmental Determination:**~~	~~CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning."~~
	~~**Service Delivery District:**~~	~~2~~
	~~**City Council District:**~~	~~2~~
	~~**Action to be Taken:**~~	~~Recommendation by the Planning Commission~~
	~~**Finality of Decision:**~~	~~Final Approval by the City Council within 10 days~~
	~~**For Further Information:**~~	~~Contact case planner **Ed Manasse** at **(510) 238-7733** or by email: **emanasse@oaklandnet.com**~~

4. **Location:**	**1703 Telegraph Avenue (APN 008-0641-005-00)**
Proposal:	Allow an Adult Entertainment Activity (Retail Sales)
Contact Person/Phone Number:	Lanenna Joiner (510 206 4635) "FeelMore" Inc.
Owner:	Fred and Patricia Brown
Case File Number:	**CMV10-272**
Planning Permits Required:	Major Conditional Use Permit for Adult Entertainment Activity (Retail Sales and educational/health workshops) and Variance for Location within 500 Feet of a School and Within 1000 Feet of a Residential Zone
General Plan:	Central Business District
Zoning:	CBD-P Central Business District-Pedestrian Commercial Zoning Districts
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301
Historic Status:	Potential Designated Historic Property Rated Ec3, no particular interest
Service Delivery District:	Metro
City Council District:	3
Finality of Action:	Appealable to the City Council within 10 days
Staff Recommendation:	Approve with conditions
For Further Information:	Contact **David Valeska** at **(510) 238-2075** or dvaleska@oaklandnet.com

5. **Location:**	**1707 Gouldin Road, 1715 Gouldin Road, 5928 Thornhill Drive, 5914 Thornhill Drive, and 1676 Alhambra Lane** (APNs: 048F-7390-004-09, 048F-7390-001-01, 048F-7390-003-03, 048F-7390-013-00, 048F-7390-001-018)
Proposal:	Public Hearing on the Draft Environmental Impact Report (DEIR) to obtain comments on the adequacy of the information, issues and analysis contained in the Draft EIR related to the proposal by St. John's Episcopal Church to reconfigure site circulation and parking, construct a new access bridge over Temescal Creek, and provide creek improvements under Phase 1. Phase 2 would involve construction of a new sanctuary building between 5,000 and 5,500 square feet at the location of the current Gouldin Road entrance to the Church. The existing sanctuary building would be converted into a community hall, fellowship space. Phase 1 includes demolishing the house at 5928 Thornhill Drive, and abandoning a portion of the shared access road with the home at 5940 Thornhill Drive. In total, the project proposes the removal of 65 trees, 56 of which fall under the City of Oakland tree preservation ordinance. All trees proposed for removal would be replaced with native species.
Applicant/Owner:	St John's Episcopal Church
Contact Person/Phone Number:	St John's Episcopal Church, Jerry Moran, Project Liaison (510) 531-0980/(510)557-1015
Case File Number:	**ER08-0001, (CMD06-546, TPM9327,CP06-151, T06-0141)**

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Planning Permits Required:	Major Conditional Use Permit involving projects over 1 acre, Design Review Permit, Tentative Parcel Map for lot merger, Creek Protection Permit, Tree Preservation Permit
General Plan:	Hillside Residential Zone
Zoning:	R-30 One-Family Residential Zone
Environmental Determination:	The Draft EIR was published for a 45-day review period from November 17, 2010 to January 3, 2011. The DEIR will assess the potential environmental effects of the project related to aesthetics, biology, hydrology and water quality, and traffic and circulation. All other impacts were screened out from further study as part of the Initial Study scoping process.
Historic Status:	There are no historic resources on the project site.
Service Delivery District:	2
City Council District:	4
Action to be Taken:	Receive public and Planning Commission comments on the adequacy of the information, issues and analysis contained in the Draft EIR.
For Further Information:	Contact case planner **Caesar Quitevis** at (510) 238-6343 or by email at clquitevis@oaklandnet.com

PLEASE NOTE: ITEM NO. 6 BELOW, WILL NOT BE HEARD PRIOR TO 7:30 P.M.

6.

Location:	Citywide
Proposal:	Zoning Text amendments and Zoning Map revisions to update the City's commercial and residential zoning districts and related regulations. This project also includes establishing height maps along the City's corridors and revising the "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to reflect the new zoning designations.
Applicant:	Planning Commission
Case File Number:	**ZT10-111, RZ10-112**
Planning Permits Required:	Text Amendments and Rezoning
General Plan:	Various
Zoning:	Various
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 EIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (scheduled for a certification hearing in November 2010), and various Redevelopment Plan Final EIRs. On a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning".
Service Delivery District:	All
City Council District:	All

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Status:	Referred to the Planning Commission by the Zoning Update Committee.
Action to be Taken:	Recommendation to the City Council
Finality of Decision:	Final Approval by the City Council
For Further Information:	Contact case planner **Neil Gray** at **(510) 238-3878** or by email: **ngray@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 15, October 6, November 3 and November 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: January 12, 2011

*Revised 12-7-10 to indicate Item #1 (Nicol Avenue/3100 Coolidge Avenue) being removed from this agenda and to add Minutes from September 15, October 6, and November 3 & Revised 12-9-10 to remove Item #3 from this agenda.