Oakland City Planning Commission AGENDA

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

February 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.*

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 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 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

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:**	**1076 Amito Avenue (APN: 048H-7612-016-00)**
	Proposal:	To install two 15-ft. high steel poles located about 25-ft. to the east and 60-ft to the northeast of the EBMUD water tank, 1 pole containing 1 concealed panel antenna and the other pole containing 2 panel antennas including the installation of ground-mounted equipment cabinets located about 20-ft to the southeast of the existing utility building.
	Contact Person:	T-Mobile West Corporation, Steve Christenson
	Phone Number:	(530) 368-0730
	Owner:	East Bay Municipal Utility District (EBMUD)
	Case File Number:	**CMD10-206**
	Planning Permits Required:	Major Conditional Use Permit to operate a Monopole Telecommunications facility in a residential zone; Regular Design Review to install a Telecommunications Facility
	General Plan:	Hillside Residential
	Zoning:	R-30 One-Family Residential 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:	None; Survey Rating: None
	Service Delivery District:	2
	City Council District:	1
	Date Filed:	July 26, 2010(revised plans submitted on 01/27/11)
	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

2. **Location:**	**2825 Park Boulevard APN: (023 -0404-012-00)**
Proposal:	Request for a Major Conditional Use Permit and Design Review to modify an existing unmanned micro telecommunications facility consisting of adding 2 additional panel antennas and four new RRU's on the roof of the existing Buddhist Temple, adding a 1 equipment shelter along the interior side of building consisting of 1 equipment cabinet.
Applicant:	AT&T / Realcom Assoc.
Contact Person/ Phone Number:	David Snypes (925) 519-5081
Owner:	Amitabha Temple of International
Case File Number:	**CMD10-209**
Planning Permits Required:	Major Conditional Use Permit to modify an existing wireless telecommunication micro facility within 100' of a residential zone and Regular Design Review to add 2 panel antennas and add a new equipment shelter.
General Plan:	Urban Residential
Zoning:	C-28 Commercial Shopping District 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: F3
Service Delivery District:	3
City Council District:	II
Date Filed:	8/2/10
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

3. **Location:**	**400 Perkins Street (APN: 010-0777-015-01)**
Proposal:	To install two (2) telecommunication antennas and six (6) enclosed equipment cabinets inside the electric room of the building.
Applicant:	T-Mobile, Dayna Aguirre
Contact Person/Phone Number:	Dayna Aguirre /(925)784-7888
Owner:	400 Mayfair, LLC
Case File Number:	**CMDV10-280**
Planning Permits Required:	Regular Design Review to install two (2) telecommunication antennas, and six (6) enclosed equipment cabinets. Major Conditional Use Permit for the installation of a Mini telecommunication facility within 100 feet of a residential zone. Minor Variance to mount the antennas approximately 17' -6" above the roof where a maximum of 15' -0" above the roof is permitted.
General Plan:	Urban Residential
Zoning:	R-60 Medium-High Density Residential Zone S-12 Residential Parking Combining Zone
(continued on page 5)	

(continued from page 4) **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:	Designated Historic Property; Survey Rating: B+3
Service Delivery District:	3
City Council District:	3
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 Michael Bradley at **(510) 238-6935** or by email: **mbradley@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.

4. **Location:**	**4868 Calaveras Avenue APN: (037 -2552-030-01)**
Proposal:	**To construct 3 multi-family residential buildings containing 28 affordable for-rent dwelling units in total on a vacant 31,213 square-foot site.** The project was previously approved September 17, 2003 (#DV03280) and that entitlement as well as approved Building Permits and extensions have expired. A nonresidential building has been demolished (#B0102156) and protected trees have been removed (#T03073) by City permit. A gas station formerly located on the southeast corner which has been remediated. An approved Parcel Map Waiver to merge 3 lots (#PMW03022) must be recorded with the County of Alameda.
Applicant/	Teresa Clarke/Affordable Housing Associates
Phone Number:	(510) 649-8500 x 24
Owner:	Community Assets
Case File Number:	**DV11-005**
Planning Permits Required:	Regular Design Review to construct new dwelling units in the C-30 Zone exceeding 25,000 square-feet in total new floor area (OMC Sec. 17.136.040(C)(1)); Minor Variances (3) height of 41' -6" where 40-feet is allowed, right side yard of 5-feet where 10-feet is required, rear yard of 5-feet where 10-feet is required (OMC Sec. 17.46.150(B), 17.146.160(C), (D))
General Plan:	Neighborhood Center Mixed Use
Zoning:	C-30 District Thoroughfare Commercial Zone/ S-4 Design Review Combining Zone
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
Historic Status:	Non-historic properties
Service Delivery District:	IV
City Council District:	4- Schaaf
Date Filed:	January 11, 2011
Action to be Taken:	Approve with conditions
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

5. **Project Name:**	**Revisions to the Arcadia Park Residential Project**
Location:	**98th Avenue @ San Leandro Street (854 – 92nd Avenue; 860 – 92nd Avenue; and 999 – 98th Avenue)**
Assessor' s Parcel Numbers:	Various (044-5078- and 044-5080-)
Proposal:	Modify access to a previously approved residential development (currently under construction), specifically restricting access to the site at "F" Stre et, "G" Stree t, and Ellington Way.
Applicant:	Arcadia Park Owners Association

(continued on page 7)

(continued from page 6)

Contact Person/Phone Number:	Arcadia Park Owners Association / (510) 830-7411
Owner:	Pulte Homes
Case File Numbers:	**REV10-0016 (PUD05-335)**
Planning Permits Required:	Revision to a previously approved Planned Unit Development
General Plan:	Housing and Business Mix
Zoning:	R-30 One-Family Residential Zone (portion of site) and R-50 Medium Density Residential Zone (portion of site)
Environmental Determination:	An Environmental Impact Report (EIR) was prepared and certified for the residential project in 2005. No further environmental review is required for the proposed revisions.
Historic Status:	No rating
Service Delivery District:	6
City Council District:	7
Status:	The project was previously approved in 2005 and is currently under construction. The decision on the proposed revisions to the project is currently pending.
Action to be Taken:	Decision on application
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact the case planner, **Darin Ranelletti**, at **(510) 238-3663** or by e-mail at **dranelletti@oaklandnet.com.**

6.	**Location:**	**Citywide**
	Proposal:	Planning Code Amendment to include Temporary Conditional Use Permit regulations
	Project Sponsor:	Planning Commission
	Owner(s):	NA
	Case File Number(s):	ZT100007
	Planning Permits Required:	Planning Code Amendment
	General Plan:	All
	Zoning:	All
	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 FEIR 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"
	Historic Status:	All, including Areas of Primary Importance (APIs), Areas of Secondary Importance (ASIs), landmark properties, and other historically rated properties.
	Service Delivery District:	All
	City Council District:	All
	Status:	Item continued by the Planning Commission to February 16, 2011 agenda.
	Action to be Taken:	Consider recommendation to City Council.
	Finality of Decision:	Decision by City Council.
	For further information:	Contact **Catherine Payne** at **510-238-6168** or by e-mail at **cpayne@oaklandnet.com**

PLEASE NOTE: ITEM NO.7, BELOW, WILL NOT BE HEARD PRIOR TO 7:00 P.M

7.	**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:	To review and approve the final two section of the Transportation Demand Management (TDM) Program (Condition of Approval #14; Case File CM04-411) for Bentley School, including and limited to: a) A portion of Section A related to additional onsite parking spaces, and b) A portion of Section J related to an alternative to the Memorandum of Understanding (MOU) with the Police Department. And to review the School' s Condition of Approval compliance record since the project was approved by the Planning Commission on October 21, 2009. *These Conditions were associated with the Conditional Use Permit to increase the student enrollment from 200 to 360 students; change the school operation hours; and allow for childcare, physical education and extracurricular sports classes; and weekday evening, weekend, and summer events at the school. This proposal also included the number of on-site faculty, as well as the option to change the grade levels from K-8th grade to K-5th grade.*
	Applicant:	Bentley School
	Contact Person/Phone Number:	Arlene Hogan or Duncan Lyon / (510) 843-2512
	Owner:	Bentley School
	Case File Number:	**CM04-411; ER07-006; REV10-0003**
	Planning Permit Required:	Review and approval of the remaining Transportation Demand Management (TDM) Program, Sections A and J. The TDM was Condition of Approval #14; Case File CM04-411). Review of Compliance with the Conditions of Approval.
	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.
	Service Delivery District:	II – North Oakland
	City Council District:	1
	Action to be Taken:	Decision on the TDM measures 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: January 19, 2011

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: March 2, 2011