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

July 21, 2010
Regular Meeting

REVISED JULY 14, 2010* (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.***

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 Cheryl Dunaway at cdunaway@oaklandnet.com or 501-238-2912 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 Presentation of local hire provisions

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:**	**Balmoral Drive (APN 085-0120-014-00) (2/23/10)**
Proposal:	To create a new 68' tall monopole "tree" in the R-10 Zone.
Applicant:	Ana Gomez / T-Mobile West Corporation
Contact Person/Phone Number:	(415) 990-5384
Owner:	East Bay Municipal Utility District
Case File Number:	**CMDV10-048**
Planning Permits Required:	Major Conditional Use Permit and Design Review to establish a new Monopole, Minor Variance for height,
General Plan:	Institutional
Zoning:	R-10
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; new small structures
Historic Status:	None; large tree covered lot with a water tank , no historic rating
Service Delivery District:	4
City Council District:	6
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 **Moe Hackett** at **(510) 238-3979** or mhackett@oaklandnet.com

2. **Location:**	**2220 Mountain Boulevard (APN 048D-7244-021-00) (12/14/09)**
Proposal:	To co-locate 2 new antenna panel to an existing monopole.
Applicant:	Jason Osborne / Crown Castle
Contact Person/Phone Number:	(415) 559-2121
Owner:	Montclair Village LLC
Case File Number:	**CMD09-272**
Planning Permits Required:	Major Conditional Use Permit and Design Review to establish new antenna facilities within 300' of a residential zone.
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General Plan:	Neighborhood Center
Zoning:	C-30
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; additions to existing facilities
Historic Status:	Not a PDHP; Rating X
Service Delivery District:	2
City Council District:	4

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 **Moe Hackett** at **(510) 238-3979** or mhackett@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:**	**250 10th Street (Lincoln Square) (APN 002-0071-001-00)**
Proposal:	To allow multipurpose sports fields and other improvements in existing paved section of Alice Street right-of-way closed to traffic and adjacent to Lincoln Square Park and Lincoln School in Chinatown
Contact Person/Phone Number:	Allison Schwartz, Public Works/CEDA 510-238-7310
Owner:	City of Oakland
Case File Number:	**CMD10-028**
Planning Permits Required:	Major Conditional Use Permit for one-half acre of park improvements in the CBD-X and OS/NP Open Space Zoning Districts and Regular Design Review, within Alice Street right-of-way and closed to traffic between 10th Street and 11th Street, within the existing paved section
General Plan:	Central Business District
Zoning:	OS Open Space (NP Neighborhood Park) Zoning District/S-12 Combining Zoning District (Park); CBD-X Central Business District-Mixed Commercial Zone (Street)
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines: 15332, Infill; Modification of Facilities Additional citation: Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
Historic Status:	Alice Street Is Not Designated Historic Property (DHP)/City Landmark; Lincoln Square is a DHP
Service Delivery District:	Metro
City Council District:	2
Staff Recommendation:	Approve
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact **David Valeska** at **(510) 238-2075** or dvaleska@oaklandnet.com

4. **Location:**	**2545, 2551, 2575-79 San Pablo Avenue; 814 Mead Avenue; & 817-819 Milton Street**
APNs:	003-0013-001-00; 003-0007-003-00; 003-0007-001-00; 003-0007-004-00; & 003-0007-024-00
Proposal:	To establish a social services campus involving residential care, transitional housing and service-enriched housing involving five adjacent properties. The project will involve remodeling of an existing vacant building (The Asasha Hotel), incorporating an adjacent vacant lot, adding a new accessory structure to the site, and relocating some residents from existing non-conforming residential care facility at 2551 San Pablo Avenue to the new site; and conversion of two existing single family residential units into service-enriched housing.
Applicant:	East Bay Community Recovery Project
Contact Person /Phone No.:	Adam Deromedi – Affordable Housing Associates - (510)649-8500
Case File Number:	**CMDV10-096/PMW10-007**
Planning Permits Required:	Major Conditional Use Permit for Residential Care, Transitional Housing, and Service-Enriched Activities; Regular Design Review for additions and alterations to existing building; Minor Variance to allow a new stair/elevator wing to have a zero setback where 10 feet minimum is required; Parcel Map Waiver to merge two lots into one.

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General Plan:	Urban Residential and Mixed Housing Type Residential
Zoning:	C-30 District Thoroughfare Commercial Zone, S-4 Design Review Combining Zone; and R-50 Medium Density Residential Zone
Environmental Determination:	Exempt, Section 15332, State CEQA Guidelines: Infill development Section 15183, State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
Historic Status:	Potentially Designated Historic Properties: 2545 San Pablo Ave. - Survey Rating C2+ 2551 San Pablo Ave. - Survey Rating Cb-2+ 814 Mead Ave. - Survey Rating C2+
Service Delivery District:	1
City Council District:	3
Date Filed:	April 19, 2010
Status:	Pending.
Action to be taken:	Decision on application based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner **Maurice Brenyah-Addow** at **(510) 238-6342** or by email at: mbrenyah@oaklandnet.com

*PLEASE NOTE: ITEM #5 BELOW HAS BEEN CLARIFIED FROM THE ORGINAL AGENDA

5.	**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 Transportation Demand Management (TDM) Program (Condition of Approval #14; Case File CM04-411) for Bentley School except for, 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 clarify that this also includes revising Bentley School's Condition of Approval #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). A decision on Condition #27 was postponed at the April 7, 2010 Planning Commission public hearing so that it could be considered concurrently with the TDM. *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 Transportation Demand Management (TDM) Program (Condition of Approval #14; Case File CM04-411) for Bentley School. Minor Changes to Condition of Approval #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.
	Service Delivery District:	II – North Oakland
	City Council District:	1
	Action to be Taken:	Decision on the condition 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.

6.	**Locations:**	**Public Right-of-way at approximately 7294 Marlboro Terrace/4949 Grizzly Peak Boulevard** **Public Right-of-way at approximately 9950 Skyline Boulevard** **Public Right-of-way at approximately 10648 Skyline Boulevard** **Public Right-of-way at approximately 10000 Skyline Boulevard**
	Proposal:	Appeal of the Zoning Manager's interpretation/determination that the proposed poles, to be located within the public right-of-way, are Monopole Telecommunication Facilities and are subject to the Planning Code.
	Appellant:	NextG Networks c/o Natasha Ernst
	Phone Number:	(206)419:9800
	Case File Number:	A10129
	Planning Permits Required:	Major Conditional Use Permits (CUP) to erect Telecommunication Monopole Facilities within the R-30, Singe-family Residential Zone and the Open Space Zone. The site located at the corner of Marlboro Terrace and Grizzly Peak Boulevard, zoned R-30, will require Design Review, in addition to a major CUP.
	General Plan:	Skyline Boulevard: Open Space Marlboro Tr / Grizzly Peak Blvd: Hillside Residential
	Zoning:	Skyline Boulevard: OS Marlboro Tr / Grizzly Peak Blvd: R-30 / S-10 / S-11
	Service Delivery District:	Skyline Boulevard: IV Marlboro Tr / Grizzly Peak Blvd: II
	City Council District:	Skyline Boulevard: 4 Marlboro Tr / Grizzly Peak Blvd: 1
	Action to be Taken:	Deny the Appeal, thereby upholding the Zoning Manager's determination/interpretation
	Finality of Decision:	Final
	For further information:	Contact case planner **Leigh McCullen** at **(510) 238-4977** or lmccullen@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes: May 19 and 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: August 4, 2010

*Revised 7-14-10 to clarify the information in Item #5 related to condition of approval #27.