Oakland City Planning Commission REVISED*AGENDA

Michael Colbruno, Chair
C. Blake Huntsman, Vice Chair
Doug Boxer
Sandra E. Gálvez
Anne Mudge
Madeleine Zayas-Mart

July 15, 2009
Regular Meeting

REVISED 7-9-08 *(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 write "Planning Commission" on the back of the parking ticket.

Applicants or members of the public that plan power point presentations: Please contact Robynn Parker at raparker@oaklandnet.com or 510-238-2950 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:**	**10850 MacArthur Boulevard (APN: 047-5584-009-03)**
Proposal:	To install 9 concealed telecommunication antennas, and 10 enclosed equipment shelters at a site with 6 existing antennas for a total of 15 telecommunication antennas.
Applicant:	Verizon Wireless
Contact Person/Phone Number:	Charnel McCall-James (530)219-1833
Owner:	Humanistic Alt. to Addition Res. & Treatment Inc.
Case File Number:	**CMD09-030**
Planning Permits Required:	Regular Design Review to install 9 concealed telecommunication antennas and 10 enclosed equipment shelters. Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.
General Plan:	Community Commercial
Zoning:	C-20 Shopping Center Commercial 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: X
Service Delivery District:	6
City Council District:	7
Status:	Pending
Action to be Taken:	Decision on Application
Finality of Decision:	*Appealable to City Council*
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.

PLEASE NOTE: ITEMS NO. 2 AND 3, BELOW HAVE BEEN REMOVED FROM THIS AGENDA.

~~2.~~ ~~**Location:**~~	~~**6400 Shattuck Avenue (APN 016-1427-024-00)**~~
~~**Proposal:**~~	~~To provide off-site consumption sales for alcoholic beverages in a Convenience Store~~
~~**Applicant:**~~	~~Ashrious and Verniece Pannell (JoJo's Market, former NikNak)~~
~~**Owners:**~~	~~Ashrious and Verniece Pannell~~
~~**Contact Person/Phone Number:**~~	~~Ashrious Pannell~~ ~~(510) 836-0409~~
~~**Case File Number:**~~	~~**CMV09-111**~~
~~**Planning Permits Required:**~~	~~Major Conditional Use Permit and Variances to allow Alcoholic Beverage Service Activities at a an existing commercial building, 11 am to 2 am, within 1,000 feet of another alcoholic beverage service activity and other specified facilities and activities; and operation of a Convenience Market~~
~~(continued on page 5)~~ ~~(continued from page 4)~~	
~~**General Plan:**~~	~~Neighborhood Center Commercial~~
~~**Zoning:**~~	~~C-10 Local Retail Commercial Zone~~
~~**Environmental Determination:**~~	~~Exempt, Section 15301 of the State CEQA Guidelines; Modification of of Existing Facilities, Section 15183, Projects consistent with a general plan, community plan, or zoning~~
~~**Historic Status:**~~	~~Not PDHP/Historic~~
~~**Service Delivery District:**~~	~~2~~
~~**City Council District:**~~	~~1~~

Action to be taken:	Decision based on staff report
For further information:	Contact case planner **David Valeska,** at **(510) 238-2075** or dvaleska @oaklandnet.com

3. **Location:**	**360 42nd Street**
Assessors Parcel Numbers:	**APNs 013-1106-003-03 & 013-1106-004-00**
Proposal:	Revision to a Conditional Use Permit (CM94-148) to increase the number of students at Park Day School from 244 to 480 students, change on-site circulation, and add the adjacent parcel. This additional parcel contains the existing historic "Matilda Brown Home" formerly used by the Ladies Home Society. Exterior modifications are proposed to the Matilda Brown Home building to allow conversion to classrooms and offices.
Applicant/Contact:	Tom Little
Phone Number:	(510) 653-0317
Owner:	Park Day School
Case File Number:	**REV08-013 (CM94-148), DR08-314, PMW08-018**
Planning Permits Required:	Major Conditional Use Permit for community education in the R-35 Zone for a project site that exceeds one acre with a non-residential project involving 25,000 square feet or more of floor area, Design Review for exterior modifications, and a Parcel Map Waiver to merge two parcels.
General Plan:	Institutional
Zoning:	R-35, Special One-Family Residential Zone
Environmental Determination:	State CEQA Guidelines: Categorically Exempt, Section 15332, Infill developments; Section 15301, Existing Facilities; Section 15305(a), Minor Lot Line Adjustments; Section 15183, projects consistent with the General Plan or Zoning.
Historic Status:	Potential Designated Historic Property (PDHP); Secondary Importance or Superior Example, Survey Rating C3.
Service Delivery District:	2
City Council District:	1
Date Filed:	07/02/08
Status:	Pending
Action to be taken:	Based on staff recommendation
Finality of Decision:	Appealable to City Council.
For Further Information:	Contact case planner **Ulla-Britt Jonsson** at **(510) 238-3322** or ujonsson@oaklandnet.com

4. **Location:**	**Pali Court (APN's: 048H-7564-003-00)**
Proposal:	Subdivision of an existing 4.3-acre lot into six lots and development of one single-family dwelling unit on each lot, which would be served off of an extension of an existing Public Street (Pali Court) and a new Private Access Easement.
Applicant:	Aliquot Associates
Contact Person/Phone Number:	Robert Wong - (925)476-2330
Owner:	Golden Gate Views LLC
Case File Number:	**ER07-0016**
General Plan:	Hillside Residential
Zoning:	R-10, Estate Residential Zone
Environmental Determination:	Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. An Initial Study (IS) that identifies the areas of probable environmental impacts and a Notice of Preparation of a Draft Environmental Impact Report (DEIR) has been prepared. The Initial Study (IS) has identified Aesthetics, Biological Resources, Hazards, Public Services, Hydrology, and Transportation and Traffic as areas of probable environmental impact that shall be studied in the Draft Environmental Impact Report (DEIR) to be prepared, and that all other impacts would be reduced to less than significant levels. A Notice of Preparation (NOP) to prepare the EIR was published on June 24, 2009. The comment period for the NOP ends on July 24, 2009.
Historic Status:	Vacant Lot
Service Delivery District:	2
City Council District:	1
Action to be Taken:	Receive public and Commission comments about what information and analysis should be included in the EIR. (Scoping Session).
For Further Information:	Contact case planner **Peterson Z. Vollmann** at **(510) 238-6167** or by email: **pvollman@oaklandnet.com.**

5. **Project Name:**	**Safeway Redevelopment Project (Broadway @ Pleasant Valley) EIR Scoping Session**
Location:	**5050-5100 Broadway**
Assessor's Parcel Numbers:	**014-1242-002-03 & 014-1242-005-07**
Proposal:	Demolition of the existing Safeway and Long's Drugs stores, along with other adjacent stores, and the redevelopment and remodeling of the site with the construction of a new Safeway store, a new CVS store, and other commercial buildings. The project would contain a total of approximately 304,000 square feet of commercial space and 1,006 parking spaces. Also proposed are modifications to adjacent streets including additional vehicle travel lanes and/or turn lanes.
Applicant:	L. Owen Chrisman, Benner Stange Associates Architects, Inc.
Contact Person/Phone Number:	L. Owen Chrisman / (530) 670-0234
Owner:	Safeway, Inc., PDC Ground Control Lease
Case File Numbers:	**CMD09-135; CP09-090; ER09-007**

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Planning Permits Required:	Conditional Use Permit; Design Review; Creek Protection Permit
General Plan:	Community Commercial
Zoning:	C-40 Community Thoroughfare Commercial Zone (portion of site); C-30 District Thoroughfare Commercial Zone (portion of site); and R-50 Medium Density Residential Zone (portion of site)
Environmental Determination:	An Environmental Impact Report (EIR) will be prepared. A Notice of Preparation for the EIR was published on June 26, 2009. The public comment period on the Notice of Preparation ends on July 27, 2009.
Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey rating: X
Service Delivery District:	2
City Council District:	1
Status:	Pending
Action to be Taken:	Solicit comments on the scope of the EIR. No decisions will be made on the project at this hearing.
For further information:	Contact the case planner, **Darin Ranelletti, Planner III**, at (510) 238-3663 or by e-mail at dranelletti@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.

Location:	**8607 Bancroft Avenue (APN: 043 -4602-001-00)**
Proposal:	To Appeal the Zoning Manager's Administrative Determination letter dated May 4, 2009 to lapse the Deemed Approved (legal non-conforming) Status for Alcoholic Beverage Sales Commercial Activity at a Convenience Market ("Arrwa 1 Stop Market") for ceasing to be in possession of an ABC license as of October 17, 2008 pursuant to OMC Sec. 17.114.050(B) for Nonconforming Uses.
Appellant/	Ali Mohamed
Phone Number:	(510) 450-0346
Owners:	Ali K. & Fatma Mohamed
Case File Number:	**A 09-115**
General Plan:	Detached Unit Residential

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Zoning:	C-10 Local Retail Commercial Zone

Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved; Exempt, Section 15321 of the State CEQA Guidelines: Enforcement Actions by Regulatory Agencies
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	VI – Central East Oakland
City Council District:	7 – Councilmember Reid
Date Filed:	May 14, 2009
Action to be Taken:	Uphold the Zoning Manager's Administrative Determination and Deny the Appeal
Finality of Decision:	*Final (Not Appealable pursuant to OMC Sec. 17.132.030)*
For further information:	Contact case planner **Aubrey Rose, Planner II** at **(510) 238-2071** or arose@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes: June 17, 2009

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 5, 2009

*Revised 7-9-09 to indicate Items no. 2 and 3 removed from this agenda and to eliminate the time notation for hearing Items no. 4, 5 and 6 (they could be heard prior to 7:00 p.m.)