



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

March 3, 2010
Regular Meeting

Revised 2-24-10* (See End of Agenda)

MEAL GATHERING **5:00P.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 device, 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 Section 1094.6, 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 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:	5025 Woodminster Lane (APN: 029-1255-040-00)
	Proposal:	To install 3 concealed telecommunication panel antennas, one microwave internet dish, and an equipment cabinet.
	Applicant:	Cortel c/o Clearwire
	Contact Person/Phone Number:	Michelle Weller (925)997-1312
	Owner:	Pamela Alston and B. Rodrick (Property Manager: Maria H. de Pedraza)
	Case File Number:	CMD09-261
	Planning Permits Required:	Regular Design Review to install 3 concealed telecommunication panel antennas, one microwave internet dish, and an equipment cabinet area. Major Conditional Use Permit for the installation of a Mini telecommunication facility within 100 feet of a residential zone.
	General Plan:	Neighborhood Center Mixed Use
	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: No Record
	Service Delivery District:	4
	City Council District:	4
	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



2.	Location:	Merritt College parking lot B (west)
	Proposal:	'12500 Campus Drive' / '0' Leona Street (APN: 037 -2685-001-39) To expand an existing Monopole Wireless Telecommunications Facility collocated at a community college parking lot by attaching three (3) new panel antennas and related equipment to the 43-foot tall monopole and by installing one (1) new equipment cabinet within the ground level equipment shelter.
	Applicant / Phone Number:	Michelle Weller / Cortel, LLC (for carrier: Clearwire) (925) 997-1312
	Owner:	Peralta Community College District
	Case File Number:	CMD09-280
	Planning Permits Required:	Major Conditional Use Permit with special findings to allow the expansion of a Monopole Facility within a Residential Zone (OMC Sec. 17.134.020(A)(3)(i)); Regular Design Review with special findings to allow the expansion of a Monopole Facility (OMC Sec. 17.24.040, 17.136.040(A)(10))
	General Plan:	Institutional
	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:	Non-Historic Property; no survey rating
	Service Delivery District:	IV – San Antonio / Fruitvale
	City Council District:	6 - Brooks
	Date Filed:	December 17, 2009
	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

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.

3.	Location:	355 19th Street and 1803 Webster Street (APN 008-0624-003-00)
	Proposal:	Major Conditional Use Permit to re-establish an alcoholic beverage sales commercial activity at a bar and lounge.
	Applicant/Phone Number:	Linda Bradford (510) 523-7450
	Owner:	Linda Bradford, David and James Bradford
	Case File Number:	CMD09-253
	Planning Permits Required:	Major Conditional Use Permit for Alcoholic Beverage Sales
	General Plan:	Central Business District
	Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone
	Environmental Determination:	Exempt, CEQA Guidelines Section 15301, existing facility. Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	Historic Status:	Not a Potentially Designated Historic District, Survey Rating F3
	Service Delivery District:	Metro
	City Council District:	3
	Status:	Pending
	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 .



PLEASE NOTE: ITEM NO. #4, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.

4.	<p>Location: Bentley School; 1 Hiller Drive, 251 Tunnel Road, 245 Tunnel Road, and 261 Tunnel Road</p> <p>APN: 048H 7576 001 04, 048H 7576 030 02, 064 4231 015 through 064 4231 017</p> <p>Proposal: To revise 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).</p> <p>Applicant: Bentley School</p> <p>Contact Person/Phone Number: Duncan Lyon / (510) 843-2512</p> <p>Owner: Bentley School</p> <p>Case File Number: REV10-0003</p> <p>Planning Permit Required: Revision to the approved Bentley School's Major Conditional Use Permit: Condition of Approval #27 which currently requires the Project Applicant to move all of the school administration offices and persons not directly associated with the Hiller Drive campus (Lower School and Middle School) academic program to the other campus in Lafayette, no later than the beginning of the first semester after this approval. At a minimum these include: Office of the Head of School, Development, Finance, Admissions, and Parent Association.</p> <p>The proposal would revise this condition to allow all administrative offices not associated with the Hiller campus to remain on the Hiller campus but to require these persons to park off site (not on Hiller Drive or within the Hiller Highlands).</p> <p>General Plan: Hillside Residential</p> <p>Zoning: R-30 One-Family Residential Zone</p> <p>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.</p> <p>Service Delivery District: H-North Oakland</p> <p>City Council District: 1</p> <p>Action to be Taken: Decision on the application based on staff report</p> <p>Finality of Decision: Appealable to City Council within 10 days</p> <p>For Further Information: Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.</p>
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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: January 20 and February 3, 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: March 17, 2010

*Revised 2-24-10 to remove Item #4 (Bentley School) from this agenda and also to add the review of Minutes from the January 20, 2010 meeting.