



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

January 20, 2010
Regular Meeting

Revised 1-8-10* (See End of Agenda)

MEAL GATHERING **5:30P.M.**

Hearing Room 4, One Frank Ogawa Plaza, Oakland

Open to the public (Members of the public may bring 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.



**New web-site staff report
download instructions**

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.**

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 Daria Edgerly at dedgerly2@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.	<p>Location: 5329-5345 Foothill Boulevard (APN: 035-2389-017-03)</p> <p>Proposal: To install 12 concealed telecommunication antennas, and an enclosed equipment cabinet area at a site with 25 existing antennas for a total of 37 telecommunication antennas.</p> <p>Applicant: AT&T Mobility c/o Black Dot Wireless</p> <p>Contact Person/Phone Number: Tiffany Scalia /(916)441-4259</p> <p>Owner: Fairfax Lighthouse Deliverance Center</p> <p>Case File Number: CMD09-0204</p> <p>Planning Permits Required: Regular Design Review to install 12 concealed telecommunication antennas and an enclosed equipment cabinet area. Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.</p> <p>General Plan: Neighborhood Center Mixed Use</p> <p>Zoning: C-30 District Thoroughfare Commercial Zone S-4 Design Review Combining Zone R-70 High Density Residential Zone</p> <p>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.</p> <p>Historic Status: Potential Designated Historic Property; Survey Rating: Cb+2+</p> <p>Service Delivery District: 5</p> <p>City Council District: 4</p> <p>Status: Pending</p> <p>Action to be Taken: Decision of Application</p> <p>Finality of Decision: <i>Appealable to City Council</i></p> <p>For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com</p>
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2.	<p>Location: 1305 Everett Avenue (APN: 024 -0544-001-00)</p>
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Proposal:	Request for a Major Conditional Use Permit for a new wireless telecommunication facility (mini) and Regular Design Review to install (5) antennas on the parapet wall on the roof of a residential building.
Applicant:	Clearwire Corp.
Contact Person/ Phone	Michelle Weller
Number:	(925) 997-1312
Owner:	Abe Naiditch
Case File Number:	CMD09-219
Planning Permits Required:	Conditional Use Permit to install a new wireless telecommunication mini facility and Regular Design Review to install (3) panel antennas, (2) microwave antennas and including a new enclosed equipment cabinet located inside a detached garage.
General Plan:	Detached Unit Residential
Zoning:	R-50 Medium Density 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:	3
City Council District:	5
Date Filed:	10/19/09
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



PLEASE NOTE: ITEM #4, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.

4. **Location:** 2417 M. L. King Jr. Way (APN: 008-0677-001-00)

Proposal: To rebuild the minipark at 25th & M L King Jr. Park

Applicant: City of Oakland— Recreation & Parks

Owners: City of Oakland

Contact Person/Phone Number: Sandra Ousley, CEDA
(510) 238-7213

Case File Number: CU09-050

Planning Permits Required: Major Conditional Use Permit and Small Project Design Review to allow rebuilding of an existing minipark with natural or artificial turf replacing paved area, over subsurface drainage areas, installing childrens’ play equipment, fencing, gates, ADA handicap accessible concrete paths, trees, drinking fountain, signage, area lights; retaining other features such as cultural murals, on approximately 1/4 acre, 25th & M. L. King Jr. Park

General Plan: U-R (Urban Residential)

Zoning: OS-AMP Open Space Active Mini-Park District

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; Modification of of Existing Facilities, Section 15304, Minor Alterations to Land; Section 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances; and Section 15183, Projects consistent with a general plan, community plan, or zoning

Historic Status: Not PDHP/not historie

Service Delivery District: 1

City Council District: 3

For further information: Contact case planner David Valeska, at (510) 238-2075 or dvaleska@oaklandnet.com

5. **Location:** 825 Jackson Street (APN: 001-0179-004-00)

Proposal: Landmark Nomination of the Buddhist Church of Oakland

Applicant: Mark Shimamoto, c/o Buddhist Church of Oakland Building Committee

Owner: Buddhist Church of Oakland

Case File Number: LM09-240

General Plan: Central Business District

Zoning: CBD-R Central Business District Residential

Historic Status: Oakland Cultural Heritage Survey Rating: A3 (Highest Importance, (continued on page 7) Not in a Historic District). Listed on the Preservation Study List.

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Environmental Determination: Exempt, Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Section 15183 Projects consistent with the General Plan or Zoning

Service Delivery District: Metro

City Council District: 2 – Kernighan

Action to be Taken: Provide recommendation on Landmark Nomination to the City Council

For Further Information: Contact Holly Pearson at (510) 238-3079 or hpearson@oaklandnet.com



PLEASE NOTE: ITEMS NO. 6 AND NO 7, BELOW WILL NOT BE HEARD PRIOR TO 7:00 P.M.

6. **Project name:** Alta Bates Summit Medical Center- Summit Campus Seismic Upgrade and Master Plan

Location: 20.4-acre campus generally between Telegraph and Webster, and between 30th Street and 34th Street

Proposal: The ABSMC Seismic Upgrade and Master Plan is intended to provide a long-term vision for the campus in order to meet hospital and community needs, as well as to comply with state seismic safety requirements of SB 1953. Phase 1 of the Master Plan includes demolition of Bechtel Hall and three other small buildings, and construction of a new 230,000 sq. ft. (11-story) acute care hospital, plus a new 1,067-space (7-level) parking garage and a new temporary surface parking lot at the corner of Hawthorne/Elm. Phase 1 construction is expected to begin in 2010 and continue through 2015. Future phases include longer-term improvements including a new Medical Office Building on Summit Street (potentially included in Phase 1), a Samuel Merritt University expansion building at Hawthorne/Elm, and closure of a portion of Summit Street between 30th Street and Hawthorne Avenue as a new campus plaza.

Applicant: Alta Bates Summit Medical Center, an affiliate of Sutter Health
Shahrokh Sayadi, Project Director

Phone: 415-203-6345

Owner: Alta Bates Summit Medical Center, a Sutter Health affiliate

Case File Number: ER 09-0001, PUD 09-104, DR 09-105

Planning Permits Required: Planned Unit Development (Preliminary Development Plan for Master Plan, Final Development Plan for Phase 1); Design Review for Phase 1; Conditional Use Permit for demolition of existing rooming units (Bechtel Hall), zoning variance for off-street parking requirement shortfall

General Plan: Institutional

Zoning: S-1: Medical Center

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Historic Status: There is one (1) presumed historic resource on the project site at 418 30th Street which is proposed for demolition. This building has an OCHS rating of Dc3 (minor importance, not in an historic district) but a NRHP status code of 5S (eligible for local listing) as indicated on DPR Form 523B

Environmental Determination: Staff has previously determined that an EIR is required for the project, and a Notice of Preparation was distributed on March 13, 2009. The Notice of Availability of the Draft EIR was distributed on December 18, and the Draft EIR was published and made available to the public on December 21, 2009. The Draft EIR's 45-day public comment period is from December 21, 2009 to February 3, 2010

City Council District: 3

Date Filed: January 16, 2009



Action to be Taken: No formal action; Receive public and Commission comments about information and analysis in the Draft EIR.

Finality of Decision: No decision will be made on the Draft EIR at this time

For Further Information: Contact: **Scott Gregory**, contract planner to the City at 510-535-6690, or by email at sgregory@lamphier-gregory.com

7. **Location:** Citywide

Proposal: Amend the Oakland Planning Code by updating references, improving consistency among chapters, reducing redundancy, and clarifying language. Other amendments include adding Consumer Service Activities as a permitted activity to the CIX2 zone and as a conditionally permitted activity in the IO zone; revising the non-conforming uses provisions for rebuilding non-conforming residential structures; require landscaping for Nonresidential Facilities where it is currently not required; create master sign program provisions; expand exceptions to the 1000' separation requirement for alcohol sales to include off-site sales of alcohol in the Jack London Square area; eliminate portions of San Pablo Avenue as a restricted street for alcohol sales at a full-service restaurant, and other items.

Applicant: Planning Commission

Planning Permits Required: Zoning Text Amendments

General Plan: All General Plan designations

Zoning: All Zoning districts

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 Oakland Estuary Policy Plan EIR (1998); the EIRs for the West Oakland Central City East, Coliseum and Oakland Army Base Redevelopment Areas. On a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, 15301, 15303, 15304 and/or Section 15305 of the State CEQA Guidelines.

Service Delivery District: All Service Delivery districts

City Council District: All City Council districts

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Status Heard by Zoning Update Committee on 12/2/09. Recommended by Zoning Update Committee to be considered by the Planning Commission

Staff Recommendation Recommend adoption to City Council.

For further information: Contact: **Leigh McCullen** at 238-4977 or email lmccullen@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, 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: December 16, 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: February 3, 2010

*Revised 1-8-10 to indicate Item #4 being removed from this agenda.