



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

**March 19, 2008**  
**Regular Meeting**

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

**Building Bridges, 3<sup>rd</sup> Floor, City Hall, 1 Frank Ogawa Plaza, Oakland.** Open to the public. (Members of the public may bring their own meal if desired. Consumption of food is not required to attend.)

**BUSINESS MEETING 6:00 P.M.**

**Hearing Room One, 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.

**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

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***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.



H. Ogawa Plaza, Oakland, California 94612. **Reports are available at the Strategic Planning Division on the 3<sup>rd</sup> 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](http://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 write "Planning Commission" on the back of the parking ticket.

***ROLL CALL***

***WELCOME BY THE CHAIR***

***COMMISSION BUSINESS***

**Agenda Discussion**

**Director's Report**

Oil Independent Oakland Task Force Action Plan Presentation

**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.

<b>1.</b>	<b>Location:</b>	<b>8818-8820 International Blvd (APN: 040-4579-011-04)</b>
	<b>Proposal:</b>	To install three concealed telecommunication antennas, and three enclosed equipment cabinets at a site with 15 existing antennas.
	<b>Applicant:</b>	Maryann Miller
	<b>Contact Person/Phone Number:</b>	(510) 919-3224
	<b>Owner:</b>	Alex and Marcus Preiger
	<b>Case File Number:</b>	<b>CMD07-470</b>
	<b>Planning Permits Required:</b>	Regular Design Review to install three concealed telecommunication antennas and three enclosed equipment cabinets. Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.
	<b>General Plan:</b>	Urban Residential and Detached Unit Residential
	<b>Zoning:</b>	C-40 Community Thoroughfare Commercial Zone R-30 One-Family Residential Zone
	<b>Environmental Determination:</b>	Exempt, Section 15301 and 15183 of the State CEQA Guidelines, minor alterations to an existing facility and projects consistent with a community plan, general plan or zoning.
	<b>Historic Status:</b>	Potential Designated Historic Property (PDHP); Survey Rating: Dc2+
	<b>Service Delivery District:</b>	6
	<b>City Council District:</b>	7
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision of Application
	<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
	<b>For Further Information:</b>	Contact case planner Michael Bradley at (510) 238-6935 or by email: <a href="mailto:mbradley@oaklandnet.com">mbradley@oaklandnet.com</a>



2.	<b>Location:</b> Mountain Blvd., east side/northwest of Ascot Drive (APN: 048D-7234-011-06)
	<b>Proposal:</b> To expand a wireless telecommunications facility ( <i>previous case no. CU 00-072</i> ) located within the public right-of-way that contains one ground-level equipment cabinet (and antennas mounted on a telephone pole located across the street) by adding 2 equipment cabinets and improving the design of the enclosure.
	<b>Applicant:</b> Liz Johnson/Kukulica & Associates (for AT&T)
<b>Contact Person/Phone Number:</b>	Liz Johnson/(559)658-0569
	<b>Owner:</b> City of Oakland
	<b>Case File Number:</b> REV 07-024
<b>Planning Permits Required:</b>	Revisions to amend a Conditional Use Permit: Major Conditional Use Permit for a wireless telecommunications facility within a Residential Zone (OMC Sec. 17.14.070(B), 17.134.020(A)(3)(i) & (j); Regular Design Review for a wireless telecommunications facility (OMC Sec. 17.14.040, 17.090.030, 17.136.090(A)(10)
	<b>General Plan:</b> Institutional
	<b>Zoning:</b> R-20 Low Density Residential Zone/S-10 Scenic Route Combining Zone
<b>Environmental Determination:</b>	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (Additions to existing structures) Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	<b>Historic Status:</b> Not a Potential Designated Historic Property Survey Ratings: *3
<b>Service Delivery District:</b>	4 – San Antonio/Fruitvale
<b>City Council District:</b>	4 - Quan
	<b>Date Filed:</b> November 15, 2007
	<b>Status:</b> Pending
	<b>Action to be Taken:</b> Decision based on staff report
	<b>Finality of Decision:</b> <i>Appealable to City Council</i>
<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose</b> at (510) 238-2071 or by email: <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>



***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:** 750 105<sup>th</sup> Avenue (APN 045 -5248-005-01, -005-02; 045 -5249-004-01, -010-00, -013-00) (6/01/06)

**Proposal:** Proposal to legalize an expansion of an existing scrap metal recycling business. This application does not involve the addition of new square footage beyond the existing footprint of the site.

**Applicant:** Paul Forkash

**Contact Person/Phone Number:** Paul Forkash (510)569-6767

**Owner:** Paul Forkash – Aaron Metals

**Case File Number:** CM06-268

**Planning Permits Required:** Major Conditional Use Permit to legalize an unpermitted expansion of an existing Scrap Operation Commercial Activity within 400’ of a residential zone.

**General Plan:** Business Mix

**Zoning:** M-40 Heavy Industrial Zone

**Environmental Determination:** Exempt, Section 15301, State CEQA Guidelines, existing facilities; Projects consistent with general plan and zoning (Guidelines section 15183)

**Historic Status:** No historic record

**Service Delivery District:** 6

**City Council District:** 7

**Status:** Pending

**Action to be Taken:** Contained in staff report

**Finality of Decision:** *Appealable to the City Council*

**For Further Information:** Contact **Robert D. Merkamp** at (510) 238-6283 or by email: **rmerkamp@oaklandnet.com**

**4.**                    **Location:** Uptown Park: western portion of block bounded by William Street to the north, Telegraph Avenue to the east, 19<sup>th</sup> Street to the south, and “New Street” to the west. Portion of nine block site in the Uptown District of the downtown.

**Proposal:** Consider a revision to the final PUD specifically addressing revisions to the proposed design of Uptown Park. Planning Commission approval of the park design is required by the PUD conditions of approval.

**Project Sponsor:** Forest City Development

**Owner(s):** Oakland Redevelopment Agency.

**Case File Number(s):** REV060019 (second revision to PUDF05047; also related to PUD05037; TTM7616; GP05105; RZ05106; CMV05197; ER03-0007; ZP03-0122).

**Planning Permits Required:** Revision to PUDF05047.

**General Plan:** Central Business District

**Zoning:** OS-Open Space (Neighborhood Park)

**Environmental Determination:** The EIR was certified on February 18, 2004 by the Planning Commission.

**Historic Status:** None.

(continued on page 7)

(continued from page 6)

**Service Delivery District:** I – Downtown/West Oakland/Harbor



<b>City Council District:</b>	3
<b>Status:</b>	Parks and Recreation Advisory Commission reviewed and recommended approval of park design on April 12, 2006
<b>Action to be Taken:</b>	Consider approval of revisions to park design.
<b>Finality of Decision:</b>	Appealable to City Council
<b>For further information:</b>	Contact <b>Catherine Payne</b> at <b>510-238-6168</b> or by e-mail at <b>cpayne@oaklandnet.com</b>

<b>5.</b>	<b>Location:</b>	<b>City-wide</b>
	<b>Proposal:</b>	Consider proposed Revisions to Oakland Planning Code to: (1) Amend Chapter 17.09 "Definitions" to define tobacco oriented activities as those that sell any amount of tobacco or tobacco related products with the exception of stores over 10,000 square feet and those associated with a gasoline service station; and, (2) Amend Chapter 17.134 "Conditional Use Permit Procedures" to require a major CUP for establishing a new tobacco oriented activity.
	<b>Applicant:</b>	City Council
	<b>Case File Number:</b>	<b>ZT08-056</b>
	<b>Planning Permits Required:</b>	Zoning Text Amendments
	<b>General Plan:</b>	All
	<b>Zoning:</b>	Primarily focused on commercial zones.
	<b>Environmental Determination:</b>	Exempt under the General Rule, No possibility of environmental impact 15063(b)3.
	<b>Service Delivery District:</b>	All
	<b>City Council district</b>	All
	<b>Date Filed:</b>	N/A
	<b>Status</b>	Heard by Zoning Update Committee on 10/17/07.
	<b>Staff Recommendation</b>	Recommendation to City Council.
	<b>For further information:</b>	Contact <b>Eric Angstadt</b> , Strategic Planning Manager at (510) 238-6190 or by email at <b>eangstadt@oaklandnet.com</b> .



**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:** March 5, 2008

**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:** April 2, 2008