



*Chris Pattillo, Chair
Jonelyn Whales, Vice-Chair
Jahaziel Bonilla
Michael Coleman
Jim Moore
Adhi Nagraj
Emily Weinstein*

September 25, 2013
Regular Meeting

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.

City Council Chambers, 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 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 Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Oakland, California 94612. Reports are also 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. Select the "Government" tab, scroll down and click on "Planning & Zoning" click on "visit the Boards and Commissions page" under "Planning Commission". 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, 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 tokens.

Applicants or members of the public that plan power point presentations: Please contact Cheryl Dunaway at cdunaway@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.

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, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time is scheduled to be considered by the Commission.

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: The Public Right-of-Way at Grizzly Peak Blvd. (Southeast of Golf Course Drive) (APN: 048H-7800-001-02) (nearest lot adjacent to the project site)</p> <p>Proposal: To install a wireless Telecommunications Facility (AT&T wireless) on an existing 39' high PG&E utility pole located in the public right-of-way. Install two panel antennas (two-feet long and ten inches wide) mounted onto a pole extension at 40'-1" high on the pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide singular equipment box attached to the pole at 8' above the ground.</p> <p>Applicant: New Cingular Wireless PCS, LLC. For AT&T Mobility</p> <p>Contact Person/ Phone Number: Matthew Yergovich (415)596-3474</p> <p>Owner: East Bay Regional Park District</p> <p>Case File Number: DR13025</p> <p>Planning Permits Required: Regular Design Review (non-residential) to install a wireless Macro Telecommunications Facility (OMC Sec.17.128.100, 17.136.050 (B)(2); Additional Findings for a Macro Facility (OMC Sec. 17.128.070(B)(C).</p> <p>General Plan: Resource Conservation</p> <p>Zoning: OS Open Space Zone</p> <p>Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.</p> <p>Historic Status: Not a Potential Designated Historic Property; Survey rating: N/A</p> <p>Service Delivery District: 2</p>
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City Council District: 1
Date Filed: January 28th, 2013
Finality of Decision: Appealable to City Council within 10 Days
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 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. If any interested party seeks to challenge such decision in court, an appeal 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, 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. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission’s public hearing on the matter.

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.



2. **Location:** 7201 Oakport Street (APN: 041-3902-015-09)
Proposal: Proposal would re-establish an automotive sales activity at the subject property. No physical changes are proposed for the property. The site was originally developed as an automotive sales activity (Infiniti Dealership) prior to the requirement of a Conditional Use permit and has been closed in excess of one year, therefore losing its existing non-conforming status.
Applicant: Paul Blanco's Good Car Company
Contact Person/Phone Number: Kevin Ahaesy, (925) 944-2169
Owner: Hendrick Automotive Group
Case File Number: CM13-217
Planning Permits Required: Major Conditional Use permit for a automotive sales activity on a site greater than one acre.
General Plan: Business Mix
Zoning: IO, Industrial Office Zone
Environmental Determination: Exempt, Sections 15301 & 15332 of the State CEQA Guidelines; existing facilities & in-fill development projects; and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.
Historic Status: Not a historic property
Service Delivery District: 6
City Council District: 7
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 Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@oaklandnet.com.

3. **Project Name:** Golden Gate Recreation Center Renovation and Expansion
Location: 1075 62nd Street (APN: 016 -1442-040-01)
Proposal: Demolish an existing 3,500 square foot recreation center and construct a new 13,400 square foot recreation center facility (multi-purpose gymnasium, multi-purpose rooms, stage and activity room, kitchen, teen lounge, computer room) and new site improvements (1/2 - mile walking track, children's playground, outdoor performance area, new parking and drop off area, new basketball, ball courts and new entry plaza) on a 1.08 acre site
Applicant / Phone Number: Denise Louie, Public Works Agency (PWA) Project Delivery City of Oakland, PWA, Engineering and Construction (510) 238-3682
Owner: City of Oakland
Case File Number: CMDV13-154, T13-00040
Planning Permits Required: Major Conditional Use Permit for Outdoor Performance Area, Gymnasium, and an expansion to a Recreation Center in the OS Zone, involving a project site of one acre or more; Regular Design Review for new construction; and Minor Variance to exceed the maximum percentage of impervious surface area (25% allowed, 84% proposed, or 11,761 square feet allowed, 39,551 square feet proposed) for a park facility between 1 acre and 5 acres in size; Related Tree Permit includes the removal of one (1) tree and the preservation of three (3) protected trees within 10' of construction activity

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General Plan: Urban Open Space
Zoning: Open Space – Neighborhood Park OS (NP)
Environmental Determination: The Golden Gate Recreation Center is on the list of park capital improvement projects identified in the City of Oakland FY2009-2011 Park Prioritization Project List. The City Council has independently reviewed and evaluated the project list, and has determined that the projects and Resolution 83367, authorizing the Golden Gate Recreation Project, to be exempt from the California Environmental Quality Act, pursuant to the following sections of the State CEQA Guidelines;
 Section 15302, Replacement and Reconstruction;
 Section 15303, New Construction of Small Structures;
 Section 15332, Infill Development Projects; and
 Section 15183, Projects consistent with a Community Plan, General Plan, or Zoning.

Historic Status: Not a Potential Designated Historic Property (PDHP), Survey rating: X
Service Delivery District: 2
City Council District: 1
Status: Pending
Staff Recommendation: Approval with conditions
Finality of Decision: Appealable to City Council within 10 days
For further information: Contact case planner Caesar Quitevis at (510) 238-6343 or cquitevis@oaklandnet.com

4.

Project Name: Safeway Redevelopment Project

(Broadway @ Pleasant Valley Avenue)

Location: 5050-5100 Broadway (APN 014-1242-002-03 & 014-1242-005-07)

Proposal: Redevelopment of the existing Rockridge Shopping Center, including demolition of all 185,500 square feet of existing buildings and construction of a new Safeway store and other retail, office, and restaurant space, totaling approximately 330,942 square feet with approximately 967 off-street parking spaces. Proposed modifications to the Broadway/51st Street/Pleasant Valley Avenue, Broadway/Coronado Avenue, Broadway/College Avenue, Pleasant Valley Avenue/Gilbert Street, and Pleasant Valley Avenue/Montgomery Street intersections.

Applicant/Phone Number: Property Development Centers, Inc. / (925) 738-1400

Owner: Alvin B. Chan, Inc.; Safeway, Inc. (ground lessee)

Case File Numbers: CMDV09-135; CP09-090; ER09-007

Planning Permits Required:

- 1) Regular Design Review for new construction;
- 2) Interim Conditional Use Permit to apply the policies of the General Plan to the portions of the site in the R-50 Zone;
- 3) Major Conditional Use Permit to allow a Drive-Through Nonresidential Facility;
- 4) Major Conditional Use Permit to allow alcoholic beverage sales in conjunction with a new General Food Sales Commercial Activity (new Safeway store);
- 5) Minor Variance to allow a building height up to 80 feet in the C-30 Zone where the maximum allowed height is 45 feet; and
- 6) Creek Protection Permit (Category IV) to allow development on a creekside property.

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General Plan: Community Commercial
Zoning: C-30 District Thoroughfare Commercial Zone (portion of site); C-40 Community Thoroughfare Commercial Zone (portion of site); R-50 Medium Density Residential Zone (portion of site); S-4 Design Review Combining Zone (entire site)

Environmental Determination: A Draft Environmental Impact Report (EIR) was prepared and released for public review on January 11, 2013. A Final EIR has been prepared and was released for public review on September 6, 2013.

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: Certification of the Final EIR and decision on the planning permits for the project.
Finality of Decision: Decision appealable to City Council within 10 days
For Further Information: Contact case planner **Darin Ranelletti** at (510) 238-3663 or by email 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.

COMMISSION BUSINESS

Approval of Minutes August 28, 2013

Correspondence

City Council Actions

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 MEETING: October 2, 2013