



*Chris Pattillo, Chair
Jim Moore, Vice Chair
Jahaziel Bonilla
Michael Coleman
Jahmese Myres
Adhi Nagraj
Emily Weinstein*

November 5, 2014
Regular Meeting

Revised 10-28-14 *(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.

Sgt. Mark Dunakin Hear Room 1, 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.

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.

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 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: 0 Joaquin Miller Road (located in the Public Right of Way adjacent to 2772 Butters Drive) (APN: 029 -1162-012-00)</p> <p>Proposal: Installation of a wireless telecommunication facility on a new 45’ wood pole; two panel Kathrein antennas mounted at approximately at 35’-10” pole height; and associated equipment box (6’ tall by 18” wide); one battery backup, and one meter box attached to the new pole, at a height of between 7’ to 9’ above ground located in public right of way.</p> <p>Applicant: Yergovich & Associates, LLC / Matthew Yergovich</p> <p>Contact Person/ Phone Number: Matthew Yergovich (415) 596-3474</p> <p>Owner: New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)</p> <p>Case File Number: PLN14048</p> <p>Planning Permits Required: Major Regular Design Review to install a wireless Telecommunication Facility on a new pole located in public right of away within the open space zone.</p> <p>General Plan: Hillside Residential</p> <p>Zoning: OS (RCA) Open Space Zone</p> <p>Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; alterations to existing facilities; 15183 Projects consistent with the General Plan or Zoning.</p> <p>Historic Status: Not A Potential Designated Historic Property (PDHP); Survey rating:</p> <p>Service Delivery District: IV</p> <p>City Council District: 4</p> <p>Date Filed: 3/11/14</p> <p>Finality of Decision: Appealable to City Council within 10 days</p> <p>For Further Information: Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com</p>
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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:	4721-4723 Tidewater Avenue, Suite C (APN: 034 -2300-020-00)
	Proposal:	To allow for a beer club sales business operated weekdays with a 4pm closing time to establish in a 3,500 square-foot warehouse space. The business would primarily operate by drop-shipments with minimal retail sales on site. (Project would require ABC license type 20)
	Applicant /	Claude Burns / Noble Brewer Beer Company
	Phone Number:	(301) 536-1934
	Owner:	The Eggen Family Trust
	Case File Number:	PLN14276
	Planning Permits Required:	Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales Commercial Activity; Variance for alcohol sales in an over-concentrated area & within 1,000 feet of civic uses (park); Findings for Public Convenience or Necessity
	General Plan:	Estuary Plan: Planned Waterfront District 3
	Zoning:	D-CE-5 Central Estuary District Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	NA
	Service Delivery District:	5
	City Council District:	5
	Date Filed:	September 10, 2014
	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 AICP, Planner II at (510) 238-2071 or arose@oaklandnet.com



3. **Location:** Brooklyn Basin (formerly "Oak Street to Ninth Avenue"); specifically, Phase I; generally located south of Embarcadero, between future Main Street and 9th Avenue.
- Proposal:** Final Development Permit (FDP) for streets, landscaping and infrastructure not part of development parcels or parks in Phase I; Transportation Demand Management Program (TDM); Revision to Preliminary Development Permit (PD)
- Applicant:** Zarsion-OHP 1, LLC (ZOHP), Eric Harrison (510)251-9280
- Owner:** ZOHP, Port of Oakland, City of Oakland
- Case File No:** DA06011, PUD06010-PUDF01
- Planning Permits Required:** FDP; Revision to PDP; compliance with CEQA.
- General Plan:** Planned Waterfront Development-4.
- Zoning:** Planned Waterfront Zoning District (PWD-4)
- Environmental Determination:** Final EIR certified on January 20, 2009.
- Historic Status:** None for affected sites.
- Service Delivery District:** 3
- City Council District:** 2 – Patricia Kernighan
- Action to be Taken:** Consider FDP and PDP application and make CEQA determination; TDM recommendation to Council
- Finality of Decision:** FDP and PDP appealable to City Council; TDM recommendation not appealable.
- For further information:** Contact case planner Catherine Payne at 510-238-6168 or by e-mail at cpayne@oaklandnet.com



PLEASE NOTE: ITEM NO: 4 BELOW, HAS BEEN REMOVED FROM THIS AGENDA AND CONTINUED TO NOVEMBER 19, 2014

4.	Location:	Citywide
	Proposal:	Recommendation to the City Council to adopt a General Plan Amendment (GPA) for the 2015-2023 Housing Element, as part of the Oakland General Plan. The City must accommodate 14,765 new housing units between 2015 and 2023 to meet its "fair share" of the region's housing need. The City can accommodate the new housing without rezoning or further GPAs, through current opportunity sites, and with projects either built, under construction, approved or in predevelopment.
	Applicant:	City Planning Commission
	Case File Number:	GP14001
	Planning Permits Required:	General Plan Amendment
	General Plan:	All General Plan Categories
	Zoning:	All Zoning Categories
	Environmental Determination:	CEQA Addendum is prepared for the draft <i>Housing Element</i> , based on the certified <u>Environmental Impact Report</u> for the 2007-2014 <i>Oakland Housing Element</i> .
	Service Delivery District:	All
	City Council District:	All
	Status:	The Commission reviewed the draft 2015-2023 <i>Housing Element</i> at its May 7, 2014, public hearing. The Community and Economic Development Committee of the Oakland City Council reviewed the draft <i>Housing Element</i> at the June 10, 2014 public meeting.
	Action to be Taken:	Conduct a public hearing, receive comments from the public, discuss and recommend adoption of the 2015-2023 <i>Housing Element</i> to City Council.
	Finality of Decision:	Recommendation to City Council
	For Further Information:	Contact case planner Devan Reiff at (510) 238-3550, dreiff@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.

(There are no Appeals on this agenda)



COMMISSION BUSINESS

Discussion of Planning Commission Manual

Approval of Minutes

October 1 and October 8, 2014

Correspondence

City Council Actions

ADJOURNMENT

By 10:30 P.M. unless a later time is agreed upon by a majority of Commissioners present.

ROBERT MERKAMP
Development Planning Manager
Planning and Zoning Division

NEXT MEETING: November 19, 2014

*Revised 10-28-14 to indicate Item #4 (Citywide) being removed from this agenda. This item is being placed on the November 19, 2014 Planning Commission Agenda.