



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

**April 21, 2010**  
**Regular Meeting**

**Revised 4-1-10 and 4-8-10\* (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.**

**City Hall, Council Chambers, 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.

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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.



**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 3<sup>rd</sup> 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](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 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](mailto: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.

PLEASE NOTE: ITEM #1 BELOW, HAS BEEN REMOVED FROM THE AGENDA.

1.	<b>Location:</b>	4660 Harbord Drive (APN: 048B-7150-002-04)
	<b>Proposal:</b>	To install a wireless communication facility consisting of 3 concealed panel antennas and 3 microwave antennas on the exterior walls of the existing penthouses, and 1 equipment cabinet inside the elevator penthouse located on the rooftop of the school facility.
	<b>Contact Person:</b>	ClearWire, Michelle Weller
	<b>Phone Number:</b>	(925) 997-1212
	<b>Owner:</b>	Holy Names High School
	<b>Case File Number:</b>	CMD09-286
	<b>Planning Permits Required:</b>	Major Conditional Use Permit to operate a Macro telecommunication facility in a residential zone; Regular Design Review to install a total of 6 concealed antennas, and 1 equipment cabinet.
	<b>General Plan:</b>	Institutional
	<b>Zoning:</b>	R-30 One-Family Residential Zone
	<b>Environmental Determination:</b>	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
	<b>Historic Status:</b>	Potential Designated Historic Property (PDHP); Survey Rating: B+3, Major Importance
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	1
	<b>Date Filed:</b>	December 22, 2009
	<b>Action to be Taken:</b>	Decision based on staff report
	<b>Finality of Decision:</b>	Appealable to City Council within 10 calendar days
	<b>For Further Information:</b>	Contact case Planner <b>Mike Rivera</b> at (510) 238-6417, or by email at <a href="mailto:mrivera@oaklandnet.com">mrivera@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.

**PLEASE NOTE: ITEM 1.A., BELOW, WAS ADDED TO THIS AGENDA UPON CONTINUATION FROM THE APRIL 7<sup>TH</sup> AGENDA.**

1.A.	<b>Project Name:</b>	Citywide
	<b>Proposal:</b>	Add Title 18, Sustainability, Chapter 18.02 Sustainable Green Building Requirements for Private Development Buildings to the Oakland Municipal Code which will require mandatory green building requirements for private development projects.
	<b>Applicant:</b>	City Planning Commission
	<b>Contact Person/Phone Number:</b>	Heather Klein / (510) 238-3659
	<b>Case File Number:</b>	<u><a href="#">ZT09-157</a></u>
	<b>General Plan:</b>	Various Citywide
	<b>Zoning:</b>	Various Citywide

(continued on page 5)



<b>Environmental Determination</b>	CEQA Guidelines Sections 15060(c)(2), 15061(b)(3) (General Rule), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), 15308 (Actions by Regulatory Agencies for Protection of the Environment), and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning)
<b>Historic Status:</b>	Various Citywide
<b>Service Delivery District:</b>	All
<b>City Council District:</b>	All
<b>Status</b>	The Special Projects Committee and the Landmarks Preservation Advisory Committee recommended that the item be heard before the full Planning Commission.
<b>Action to be taken</b>	Recommendation to City Council contained within staff report
<b>For further information:</b>	Contact case planner <b>Heather Klein</b> at (510) 238-3659 or hklein@oaklandnet.com.

**PLEASE NOTE: ITEM NO. 2, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.**

<del>2.</del>	<b>Location:</b>	<del>3301 San Pablo Avenue (APN 005-0470-001-00)</del>
	<b>Proposal:</b>	<del>Alcoholic Beverage Service (Not in a Full Service Restaurant) in 3000 square foot existing space</del>
	<b>Contact Person/Phone Number:</b>	<del>James &amp; Attry, (510) 531-1608</del>
	<b>Owner:</b>	<del>Kevin Tse</del>
	<b>Case File Number:</b>	<del>CM10-027</del>
	<b>Planning Permits Required:</b>	<del>Major Conditional Use Permit for Alcoholic Beverage Sales (Not in a Full Service Restaurant), hours 10 am to 12 am (“Yardie Jerk” Jamaican Café)</del>
	<b>General Plan:</b>	<del>Urban Residential</del>
	<b>Zoning:</b>	<del>C-30 Commercial Zone/S-4 Combining Zoning District</del>
	<b>Environmental Determination:</b>	<del>Exempt, Section 15301 of the State CEQA Guidelines: Modification of small structures Additional citation: Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning</del>
	<b>Historic Status:</b>	<del>Not Designated Historic Property/City Landmark (No substantial exterior alterations proposed).</del>
	<b>Service Delivery District:</b>	<del>1</del>
	<b>City Council District:</b>	<del>3</del>
	<b>Staff Recommendation:</b>	<del>Approve</del>
	<b>Finality of Decision:</b>	<del>Appealable to the City Council within 10 days</del>
	<b>For Further Information:</b>	<del>Contact Ann Clevenger at (510) 238-6980, or by email at aclevenger@oaklandnet.com</del>



3. **Project Name:** **Informational Briefing Session: Revisions to Previously Approved Master Plan to Expand Oakland Zoo (No Decision)**

**Location:** **9777 Golf Links Road**

**Proposal:** Revise the previously approved 1998 Master Plan for the expansion of the Oakland Zoo. The revisions would generally consist of the following: modifying and reducing the area of the proposed expansion from approximately 62 acres to approximately 56 acres; construction of a veterinary hospital to replace the existing veterinary hospital; modifications to the previously approved new animal exhibit area called "California!;" a new aerial gondola transportation system to replace the previously approved shuttle bus system; a new overnight camping area; and establishment of the specific location of the proposed perimeter fence with modifications from the previously approved 1998 general fence location.

**Applicant:** East Bay Zoological Society

**Contact Person/Phone Number:** Nik Haas-Dehejia / (510) 632-9525 ext. 138

**Owner:** City of Oakland

**Case File Numbers:** [CM09-085](#); [ER09-005](#)

**Planning Permits Required:** Major Conditional Use Permit to allow revisions to an existing Extensive Impact Civic Activity (zoological gardens) in the OS-SU (Open Space – Special Use) Zone and to a previously approved Master Plan

**General Plan:** Urban Open Space

**Zoning:** OS-SU (Open Space – Special Use) Zone

**Environmental Determination:** The City adopted a Mitigated Negative Declaration when the Zoo Master Plan was previously approved by the City in 1998. The Mitigated Negative Declaration stated that the Master Plan would not result in a significant impact on the environment with the incorporation of specified mitigation measures. Staff is currently conducting an environmental (CEQA) analysis to determine the appropriate level of environmental review for the proposed revisions to the Master Plan; that analysis is not yet complete.

**Service Delivery District:** 6

**City Council District:** 7

**Status:** The Zoo Master Plan was previously approved by the City in 1998. The current proposal involves certain revisions to the Master Plan (as generally described above) and is currently under review.

**Action to be Taken:** Conduct an informational briefing session on the proposal that will provide an opportunity for the Planning Commission and the public to receive preliminary information on the proposal and for the Planning Commission to provide any preliminary direction to staff and/or the applicant on the proposal. No decision on the proposal will be made at this time. The proposal will come back to the Planning Commission at a future public hearing for action, after completion of the CEQA analysis.

**For Further Information:** Contact the case planner, **Darin Ranelletti**, at **(510) 238-3663**, or by email at [dranelletti@oaklandnet.com](mailto:dranelletti@oaklandnet.com).





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.

4.	<p><b>Location:</b> 5919 ("5921") Foothill Boulevard (APN: 038 -3202-004-00)</p> <p><b>Proposal:</b> To Appeal the Zoning Manager's Administrative Determination letter dated March 3, 2010 that indicated the Deemed Approved (legal non-conforming) Status for an Alcoholic Beverage Sales Commercial Activity location (a bar formerly named "Rumors") had lapsed due to discontinuation of active operation for more than 90 days (from June 26, 2008 to present), pursuant to OMC Sec. 17.114.050(B) for Nonconforming Uses.</p> <p><b>Appellant/Phone Number:</b> Michelle Duval/Law Offices of Laura Spease for: Ron Patterson, Special Administrator for: The Estate of Freddie Lee Butler (510) 569-8558 ext. 4</p> <p><b>Owner:</b> The Estate of Freddie Lee Butler</p> <p><b>Case File Number:</b> <u>A10-070</u></p> <p><b>General Plan:</b> Neighborhood Center Mixed Use</p> <p><b>Zoning:</b> C-30 District Thoroughfare Commercial Zone/ S-4 Design Review Combining Zone</p> <p><b>Environmental Determination:</b> Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved; Exempt, Section 15321 of the State CEQA Guidelines: Enforcement Actions by Regulatory Agencies</p> <p><b>Historic Status:</b> Not a Potential Designated Historic Property; Survey rating: D3 (minor importance)</p> <p><b>Service Delivery District:</b> V – Central East Oakland</p> <p><b>City Council District:</b> 6 - Brooks</p> <p><b>Date Filed:</b> March 12, 2010</p> <p><b>Action to be Taken:</b> Uphold the Zoning Manager's Administrative Determination and Deny the Appeal</p> <p><b>Finality of Decision:</b> <i>Final (Not Appealable pursuant to OMC Sec. 17.132.030)</i></p> <p><b>For Further Information:</b> Contact case planner <b>Aubrey Rose, Planner II</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a></p>
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**Approval of Minutes:** April 7, 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:*** May 5, 2010

\*Revised 4-1-10 to indicate item #1 being removed from this agenda and revised 4-8-10 to add item 1A (Green Building Ordinance) as continued from the April 7, 2010 Planning Commission Agenda, to remove item #2 from this agenda, and also to change the meeting venue to the Council Chambers.