



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

**January 19, 2011**  
**Regular Meeting**

**ROLL CALL**

**Present:** Boxer, Colbruno, Galvez,  
Gibbs, Zayas-Mart

**Excused:** Truong, Huntsman

**Staff:** Scott Miller, Catherine Payne,  
Ed Manasse, David Valeska, Heather Lee,  
Cheryl Dunaway

**WELCOME BY THE CHAIR**

**Agenda Discussion**

Staff recommends Item # 3 be continued indefinitely due to a request by the applicants. Staff recommends continuing item #6 to the February 16<sup>th</sup> Planning Commission Meeting to give the public more time to review the proposal. Item continued by unanimous vote of the Planning Commission.

**Commission Matters**

The City of Oakland will host the 2012 California Preservation Foundation Conference. Planning Commission requested that staff look into working with the IT department in developing a way to

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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.



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**OPEN FORUM**

**Speakers:** Rudy Senora, Jonathan Bair, Max Allstadt, Sanjiv Handa

**CONSENT CALENDAR**

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|----|--|
| 1. | <b>Location:</b> 7400 MacArthur Boulevard (APN: 040A-3408-022-01)(6-28-10)   |
|    | <b>Proposal:</b> To install three (3) new dish antenna and three (3) new panel antennas on the roof top of an existing building (Elmhurst Pharmacy, formerly the Eastmont Theatre). The Micro-Telecommunication facility has previously existing antennas and will include a roof top (partly canceled) equipment cabinet. |
|    | <b>Applicant:</b> Jacqueline Smart / Clearwire   |
|    | <b>Contact Person/Phone Number:</b> (510)435-9849  |
|    | <b>Owner:</b> Kal and Nital Patel  |
|    | <b>Case File Number:</b> CMD10-172   |
|    | <b>Planning Permits Required:</b> Major Conditional Use Permit and Regular Design Review for Micro-Telecommunication facilities within 100 feet of a residential zone.   |
|    | <b>General Plan:</b> Neighborhood Center   |
|    | <b>Zoning:</b> C-20  |
|    | <b>Environmental Determination:</b> Exempt, Section 15301 of the State of CEQA Guidelines; existing facilities.  |
|    | <b>Historic Status:</b> PDHP, of no particular interest, potentially secondary importance; rating, Ec3   |
|    | <b>Service Delivery District:</b> 5  |
|    | <b>City Council District:</b> 6  |
|    | <b>Status:</b> pending   |
|    | <b>Action to be Taken:</b> Based on staff report   |
|    | <b>Finality of Decision:</b> Appealable to City Council within 10 days   |
|    | <b>For Further Information:</b> Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com  |

Motion to approve given by Commissioner Zayas-Mart, seconded by Commissioner Galvez.  
Action on the matter: 5 ayes, 0 noes. Approved.



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

<b>2.</b>	<b>Location:</b>	<b>3701 High Street (APN: 030-1935-017-02)</b>
	<b>Proposal:</b>	Request for a Major Conditional Use Permit and Design Review to co-locate a total of six antennas (3 panel antennas and 3 internet exchange antennas) and one equipment cabinet to an existing unmanned macro telecommunications facility located on the Bell Tower of St. Lawrence O'Toole Catholic Church.
	<b>Applicant:</b>	Michelle Weller / Clearwire.
	<b>Contact Person/ Phone</b>	Michelle Weller
	<b>Number:</b>	(925) 997-1312
	<b>Owner:</b>	Roman Catholic Bishop of Oakland
	<b>Case File Number:</b>	<b>CMD10-226</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permit to co-locate to an existing wireless telecommunication macro facility within a residential zone and Regular Design Review to add a total of 6 antennas and add a new equipment cabinet. All new antennas will be fully screened.
	<b>General Plan:</b>	Detached Unit Residential
	<b>Zoning:</b>	R-30 One Family Residential Zone
	<b>Environmental Determination:</b>	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.
	<b>Historic Status:</b>	Not Potential Designated Historic Property (PDHP); Survey rating: X
	<b>Service Delivery District:</b>	IV
	<b>City Council District:</b>	IV
	<b>Date Filed:</b>	8/18/10
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For Further Information:</b>	Contact case planner <b>Jose M. Herrera-Preza</b> at (510) 238-3808 or <a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a>



**PUBLIC HEARINGS**

3.	<b>Location:</b>	<b>5914 Telegraph Avenue (APN.016-1386-012-03)</b>
	<b>Proposal:</b>	Installation of a wireless telecommunication facility consisting of: eight (8) panel antennas at approximately 66'-2" high above grade and attached to an existing 76'-7" high Monopole with eight (8) existing antennas for total of 16 telecommunication antennas, and 4 accompanying ground mounted equipment cabinets within a chain link enclosure.
	<b>Applicant/</b>	Steven J. Christenson/RS&L Consulting Services (for: T-Mobile
	<b>Phone Number:</b>	Wireless Co.) (530) 368-0730
	<b>Owner:</b>	Crown Castle/Bautista Emilio
	<b>Case File Number:</b>	<b>CMD10-072</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permit with special findings to allow co-location on a Monopole Facility within 100' of a Residential Zone (OMC Sec. 17.16.070, 17.128.080(C), 17.134.020(A)(3)(i)); and Regular Design Review with special findings to allow the expansion of a Monopole Facility (OMC Sec. 17.16.030, 17.128.080(B), 17.136.040(A)(10))
	<b>General Plan:</b>	Urban Residential
	<b>Zoning:</b>	C-28 Commercial Shopping District Zone and within 100' of R-35 Special-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>	Non-Historic Property; no survey rating
	<b>Date Filed</b>	August 11 <sup>th</sup> 2010
	<b>Support/Opposition</b>	<b>Support:</b> Steven J. Christenson/RS& L Consulting Services (for: T-Mobile Wireless Co.) and Vivek Bhatia Oakland residence. <b>Opposition,</b> Neighbors: Cory & Megan Borovicka, Nicole M. Aruda, Michael Krajac, Patricia Smith, Carlo & Mary Busby, Tamar Carson, Robert Wiles
	<b>Summary of Planning Commission Action on October 6<sup>th</sup> 2010</b>	On October 6, 2010, item #1 on consent calendar; The Planning commission held a Public Hearing, and the Commission took a straw vote to deny Planning approval recommendation, and requested Planning staff prepare findings for denial of Telecommunication co-location project (CMD10-072). On December 1, 2010, the Commission granted a continuance, at the applicant's request, to the Planning Commission meeting on January 19, 2011.
	<b>Finality of Decision</b>	Appealable to City Council within 10 days
	<b>For Further Information</b>	Contact case planner Jason Madani, <b>Planner II</b> at (510) 238-4790 or <a href="mailto:jsmadani@oaklandnet.com">jsmadani@oaklandnet.com</a>

**Action Under Agenda Discussion**

**Applicant:** Linda Spranz gave a brief explanation of why she is requesting a continuance and answered questions asked by the Planning Commission.

Motion given by Commissioner Colbruno to approve a continuance indefinitely, seconded by Commissioner Gibbs. Action on the matter: 5 ayes, 0 noes. Continuance Approved.

4.	<b>Location:</b>	<b>522-20<sup>th</sup> Street (Thomas Berkeley Way)</b>
	<b>Proposal:</b>	Temporary auto-fee parking (up to four years), surface lot, up to 49 spaces (24 paved, and up to 49 with valet service)
	<b>Applicant(s):</b>	Terra Linda Development Services, LLC
	<b>Owner(s):</b>	Patrick White
	<b>Case File Number(s):</b>	<b>V10-116 (related to REV07-0014)</b>
	<b>Planning Permits Required:</b>	Minor Conditional Use Permit, Minor variance
	<b>General Plan:</b>	CBD
	<b>Zoning:</b>	CBD-X
	<b>Environmental Determination:</b>	Exempt, CEQA sections: 15304, Minor Alterations to land; 15311, Accessory Structures; 15332-Infill Development Projects
	<b>Historic Status:</b>	Not a PDHP; vacant
	<b>Service Delivery District:</b>	I – Downtown/West Oakland/Harbor
	<b>City Council District:</b>	3
	<b>Status:</b>	NA
	<b>Action to be Taken:</b>	Consider approval of Minor CUP and Minor Variance
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For further information:</b>	Contact case planner <b>Catherine Payne</b> at <b>(510) 238-6168</b> or by email at <b>cpayne@oaklandnet.com</b>

Staff Member Catherine Payne gave a presentation and answered questions asked by the Planning Commission in which they recommended that the item be continued until such time the Temporary Conditional Use Permit Regulations will be discussed.

**Applicant:** Carlos Plazola gave a brief presentation and answered questions asked by the Planning Commission. City Attorney Heather Lee assisted with answering questions asked by the Planning Commission.

**Speakers:** Patrick White, Julia Lewis, Chris McGiugan, Ruth Carlton, Edgar Cajias, Ronald McZeal, Doris Cheng.

Motion to approve a continuance given by Commissioner Zayas-Mart, seconded by Commissioner Galvez. Action on the matter: 3 ayes, 2 noes. Continuance Approved.

5.	<b>Citywide</b>
	<b>Proposal:</b> In all HBX zones: designate Micro and Mini Telecommunications facilities as conditionally permitted; amend zoning code section 17.134.020 (j) to require the Major Conditional Use Permit procedure (including a public hearing before the Oakland Planning Commission) for Telecommunications facilities; amend zoning code section 17.128.110 to require the site alternatives analysis procedure for Telecommunications facilities in the HBX zones for certain Telecom facilities
	<b>Applicant:</b> Planning Commission
	<b>Case File Number:</b> ZT10341
	<b>Planning Permits Required:</b> N/A
	<b>General Plan:</b> Citywide
	<b>Zoning:</b> Citywide HBX zones

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**Environmental Determination:**

The zoning text amendment is exempt, each as a separate and independent basis, under CEQA Guidelines Section 15061(b)(3) (the "General Rule" that CEQA applies only to projects which have the potential for causing a significant effect on the environment); Section 15307 ("Actions by Regulatory Agencies for Protection of Natural Resources")—because the ordinance makes citing new telecom equipment subject to a more rigorous administrative and Commission-level review; Section 15183 ("Projects Consistent with a Community Plan, General Plan, or Zoning"). As a further separate and independent basis, the proposal relies on the previously certified Final Environmental Impact Report for the Land Use and Transportation Element of the General Plan, adopted 1998; the Oakland Estuary Policy Plan Environmental Impact Report, adopted 1998; the Final EIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR certified in December 2010; and various Redevelopment Plan Final EIRs.

**Service Delivery District:** Citywide**City Council district:** Citywide**Date Filed:** December 17, 2010**Staff Recommendation:** Forward recommendation to City Council**For further information:** Contact **Devan Reiff**, Strategic Planning at (510) 238-3550 or by email: dreiff@oaklandnet.com

Staff Member Ed Manasse gave a presentation.

Motion to approve to move the item to the City Council for final approval given by Commissioner Galvez, seconded by Commissioner Colbruno. Action on the matter: 5 ayes, 0 noes.

6.

**Location:** Citywide**Proposal:** Planning Code Amendment to include Temporary Conditional Use Permit regulations**Project Sponsor:** Planning Commission**Owner(s):** NA**Case File Number(s):** ZT10-0007**Planning Permits Required:** Planning Code Amendment**General Plan:** All**Zoning:** All

**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 FEIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the Housing Element Update Initial Study/Mitigated Negative Declaration (2004); and CEQA Guidelines Section 15183, "Projects Consistent with a Community Plan, General Plan or Zoning"

**Historic Status:** All, including Areas of Primary Importance (APIs), Areas of Secondary Importance (ASIs), landmark properties, and other historically rated properties.

**Service Delivery District:** All**City Council District:** All

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**Status:** Item continued by the Planning Commission to January 19, 2011 agenda.  
**Action to be Taken:** Consider recommendation to City Council.  
**For further information:** Contact Catherine Payne at 510-238-6168 or by e-mail at [cpayne@oaklandnet.com](mailto:cpayne@oaklandnet.com)

Item #6 is continued until February 16, 2011 Planning Commission Meeting by unanimous vote of the Planning Commission.

**APPEALS**

7. **Location:** 1600 Broadway (APN 008-06222-008-00)  
**Proposal:** Appeal of Administrative Denial of a Request to legalize a wall sign exceeding 513 square feet in area installed without permits on the side of an office building for Oaksterdam University; a substitute mural of similar size has been requested  
**Contact Person/Phone**  
**Number:** Salwa Ibrahim, (510) 637-9909  
**Owner:** Danyol Akol  
**Case File Number:** A10-107 (Appeal Denial of DV10-031)  
**Planning Permits Required:** Appeal of Administrative Denial of Minor Variance for exceeding allowed sign area (513 square feet requested, 20 additional square feet allowed) and Regular Design Review to allow new wall sign  
**General Plan:** Central Business District  
**Zoning:** CBD-P, Central Business District Pedestrian Zoning District  
**Environmental Determination:** Exempt-Section 15270, Projects Which are Disapproved; Section 15321, Enforcement Actions by Regulatory Agencies; Section 15311, Accessory Structures  
**Historic Status:** Not a Potential Designated Historic Property  
**Service Delivery District:** Metro  
**City Council District:** 3  
**Staff Recommendation:** Deny Appeal  
**Finality of Decision:** Final, Not Administratively Appealable  
**For Further Information:** D. Valeska, Planner II, (510) 238-2075  
[dvaleska@oaklandnet.com](mailto:dvaleska@oaklandnet.com)

Staff Member David Valeska gave a presentation and answered questions asked by the Planning Commission with Scott Miller and City Attorney Heather Lee's assistance.

**Applicant:** Salwa Ibriham gave a brief presentation and answered questions asked by the Planning Commission.

**Speaker:** Steven Huss

Planning Commission expressed their reasons why they may or may not support this proposed project.

Motion to deny the appeal and to approve an alternative sign with the stipulation to keep the size limit under 75 sq.ft. and to also support a mural as depicted in either attachment C-1 or C-2 A given by Commissioner Colbruno, seconded by Commissioner Galvez. Action on the matter: 4 ayes, 1 abstention. Appeal denied, sign approved with the agreement that size limit doesn't exceed 75 sq. ft. and that either mural C-1 or C-2-A be selected.



**Approval of Minutes:**

Motion to approve December 15, 2010  
minutes given by Commissioner Colbruno.  
Action on the matter: 3 ayes, 2 abstentions

**ADJOURNMENT**

Meeting adjourned at approximately  
8:25 P.M.

**SCOTT MILLER**  
**Zoning Manager**  
**Planning and Zoning Division**

***NEXT REGULAR MEETING*** February 2, 2011