



Oakland City Planning Commission

MINUTES

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

March 2, 2011
Regular Meeting

ROLL CALL

Present: Truong, Galvez, Huntsman, Zayas-Mart

Excused: Colbruno

Staff: Eric Angstadt, Aubrey Rose, Kiran Jain, Cheryl Dunaway

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Commissioner Zayas-Mart requested that comments from other departments in the City of Oakland be included in reports of projects under review by the Planning Commission and for the report to be included in the staff reports. She has asked that the Planning Commission support this recommendation.

Deputy Director Eric Angstadt stated that he will consider Commissioner Zayas-Mart's recommendation and inform the Planning Commission if the recommendation is possible.

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.



Agenda Discussion

Item #4 has been removed from this agenda and will be scheduled for the March 16, 2011 Planning Commission Meeting.

Director' s Report

None

Commission Matters

Planning Commission Election of Officer(s). Commissioner Galvez Nominated Vice Chair Truong for the new Chair of the Planning Commission, Commissioner Huntsman seconded. Commissioner Huntsman nominated Commissioner Galvez for the new Vice Chair of the Planning Commission, seconded by Commissioner Zayas-Mart. Action on the matter: Approved by unanimous vote.

OPEN FORUM

Speaker: Sanjiv Handa

CONSENT CALENDAR

Item #s 1 and 2 moved on consent of the Planning Commission.

1.	Location: 4300 MacArthur Boulevard (APN: 030 -1982-118-00)
	Proposal: To modify a telecommunications facility concealed within a decorative tower located at a commercial center. The facility consists of 8 antennas and the proposal is to replace 2 antennas and add an additional new antenna to total 9 antennas; changes to concealed equipment cabinets are also proposed.
	Applicant/ John Yu/Lyle Co. (for AT&T)
	Phone Number: (916)801-6112
	Owner: K & K Investments II LLC
	Case File Number: CMD10-343
	Planning Permits Required: Major Conditional Use Permit with additional Macro telecom findings (OMC Sec. 17.48.060(B), 17.128.070(C), 17.134.020(A)(3)(i)); Regular Design Review with additional Macro telecom findings (OMC Sec. 17.48.020, 17.128.070(B), 17.136.040(A)(10))
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Neighborhood Center Mixed Use

General Plan:
Zoning: C-31 Special Retail Commercial Zone
Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines:
Existing Facilities;
Section 15183 of the State CEQA Guidelines:
Project consistent with a Community Plan, General Plan or Zoning
Historic Status: Unknown
Service Delivery District: IV
City Council District: 4 - Schaaf
Date Filed: December 21, 2010
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** at (510) 238-2071 or
arose@oaklandnet.com

Motion to approve made by Commissioner Huntsman, seconded by Commissioner Zayas-Mart. Action on the matter: 4 ayes, 0 noes. Approved.

2. **Location:** **5921 Shepherd Canyon Road (APN: 048E-7350-005-01)**
Proposal: Installation of a wireless telecommunication facility on top of an existing light pole consisting of: replace an existing 12" radome with a new 18" radome on the same pole and increase the existing pole height from 53' to 56'; add an additional equipment cabinet to the existing ground floor screened equipment area, three set of panel antennas inside radome screen located within City of Oakland Fire Station site.
Applicant: Cortel Inc. for T-Mobile Wireless
Contact Person/Phone Number: Shannon McDougall (415)244-8018
Owner: City Of Oakland
Case File Number: **CMD11-002**
Planning Permits Required: Major Conditional Use Permit and Design Review to install a wireless Telecommunication Macro Facility on top of an existing light pole. The project is consisting of: increasing the existing pole height from 53' to 56'; add an additional equipment cabinet to the existing ground floor screened equipment area, three set of panel antennas inside radome screen within the residential zone.
General Plan: Hillside Residential
Zoning: R-20 Low Density Residential Zone.
S-10 Scenic Route Combining Zone.
Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.
Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status: Not a Potential Designated Historic Property; Survey Rating: N/A
Service Delivery District: 2
City Council District: 1
Status: Pending
Action to be Taken: Decision of Application
Finality of Decision: Appealable to City Council within 10 days
For Further Information: Contact case planner **Jason Madani** at (510) 238-4790 or by email:
jmadani@oaklandnet.com



Motion to approve made by Commissioner Huntsman, seconded by Commissioner Zayas-Mart. Action on the matter: 4 ayes, 0 noes. Approved.

PUBLIC HEARINGS

3.	<p>Location: 3222 Martin Luther King Jr. Way ("S & N Market") (APN: 009-0716-027-00)</p> <p>Proposal: To allow a convenience market selling beer and wine to include sale of liquor/distilled spirits.</p> <p>The project would convert a Deemed Approved (legal nonconforming) establishment to a conditionally permitted establishment and would require an upgrade to the ABC license from a #20/Beer&Wine to a #21/General</p> <p><i>The project was originally scheduled for the February 2, 2011 hearing and was rescheduled to notice a required Variance</i></p> <p>Applicant/ Adel M. Homnan</p> <p>Phone Number: (510) 654-6471</p> <p>Owner: David Kwong</p> <p>Case File Number: CM10313</p> <p>Planning Permits Required: Major Conditional Use Permit to change an ABC license type at a legal nonconforming Alcoholic Beverage Sales Commercial Activity (OMC Sec. 17.102.210(A), 17.114.070(A)(4)); <u>Major Variance to allow an Alcoholic Beverage Sales Commercial Activity within 1,000-feet of another alcohol activity (OMC Sec. 17.102.210(B)(1));</u> Additional criteria (2 sets) for sale of alcoholic beverages and for findings of Public Convenience or Necessity for an over-concentrated area (OMC Sec. 17.102.210(B)(3), (4))</p> <p>General Plan: Urban Residential</p> <p>Zoning: C-10 Local Retail Commercial Zone</p> <p>Environmental Determination: Statutorily exempt, Section 15270(a)(b)(c) of the State CEQA Guidelines: Project Which Are Disapproved</p> <p>Historic Status: Potential Designated Historic Property; Survey rating: Dc2- (ASI non-contributor, minor importance, potentially secondary)</p> <p>Service Delivery District: I</p> <p>City Council District: 3</p> <p>Date Filed: December 6, 2010</p> <p>Action to be Taken: Deny the application</p> <p>Finality of Decision: Appealable to City Council within 10 days</p> <p>For Further Information: Contact case planner Aubrey Rose at (510) 238-2071 or arose@oaklandnet.com</p>
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Staff Member Aubrey Rose gave a presentation and answered questions asked by the Planning Commission.

Applicant: Adel M. Homnan gave a brief statement and answered questions asked by the Planning Commission.

Speakers: Madeline Wells, Linda Lonay, Edwin Sumrall, Sanjiv Handa.



Some of the members of the Planning Commission suggested that the application be denied. There was discussion concerning if a refund is due to the applicant based on his statement that staff made an error in the processing of his application. Applicant stated that he paid ABC for a license fee, not the City of Oakland. It was determined by Staff that the City of Oakland would not issue the applicant a refund based on that fact. Staff also reiterated that it was clearly explained to the applicant that the application fees paid to the City of Oakland are nonrefundable. Planning Commission suggested that a recommendation to the City Council be made for them to approve a refund for the applicant. Deputy Director Eric Angstadt and City Attorney Karin Jain responded to the Planning Commissions concerns, suggestions and recommendations.

Commissioner Zayas-Mart made a motion for denial of the application, seconded by Commissioner Huntsman. Action on the matter: 4 ayes, 0 noes. Denied.

ITEM #4 HAS BEEN REMOVED FROM THIS AGENDA.

4.	Location:	Multiple parcels immediately adjacent to the Macarthur BART station; on the west side of Telegraph Avenue between 40 th Street and West Macarthur Boulevard (see map)
	Assessors-Parcel Numbers	012-0969-053-03, 012-0968-055-01, 012-0967-01, 012-0969-002-00, 012-0969-003-00, 123-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00, and 012-0967-010-00
	Proposal:	Construct Stage One (1) of the Macarthur Transit Village project (PUD06058), including: a new BART parking garage with 468 parking spaces and 5,200 square feet of ground floor commercial space; as well as new streets, utilities, and public improvements. Additional application for Vesting Tentative Map for entire site.
	Applicant(s):	West Macarthur Transit Community Partners (MTCP)
	Owner(s):	Art May; (510) 903-2051
	Case File Number(s):	PUDF10-097, TTM8047 (related to PUD06058)
	Planning Permits Required:	Waiver of dimensional standards to allow a dead-end segment of Apgar Street, in conjunction with a Final Development Permit; Vesting Tentative Map
	General Plan:	Neighborhood Mixed Use
	Zoning:	S-15 Transit-Oriented Development Zone
	Environmental Determination:	An Environmental Impact Report (EIR) was certified in June 2008.
	Historic Status:	There are no Potential Designated Historic Properties located on the project site.
	Service Delivery District:	Service District 2
	City Council District:	1--Brunner
	Status:	Design Review on May 26, 2010
	Action to be Taken:	Consider recommendation of waiver from subdivision regulations (OMC Title 16, to allow a new dead-end street that does not meet dimensional standards)
	Finality of Decision:	NA
	For further information:	Contact case planner Catherine Payne at (510) 238-6168 or by email at cpayne@oaklandnet.com



APPEALS

There are no appeals on this agenda

COMMISSION BUSINESS

Approval of Minutes


February 2, 2011 minutes approval has been withheld until the March 16, 2011 Planning Commission Meeting.

City Council Actions

City Council unanimously introduced the Commercial Residential Zoning Update and should be read a second time at the March 15, 2011 City Council Meeting.

ADJOURNMENT

Meeting adjourned at approximately 7:05 P.M.


SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: March 16, 2011