



*C. Blake Huntsman, Chair
Chris Pattillo, Vice Chair
Michael Colbruno
Michael Coleman
Jim Moore
Vien Truong
Jonelyn Whales*

April 17, 2013
Regular Meeting

ROLL CALL

Present: Huntsman, Colbruno, Coleman, Moore, Whales.

Excused: Pattillo, Truong.

Staff: Scott Miller, Alicia Parker, Ed Manasse, Mark Wald, Cheryl Dunaway.

WELCOME BY THE CHAIR

Agenda Discussion

Item #4 has been removed from this agenda. Continuance requests for item # 2 until May 1, 2013 and item #5 until June 19, 2013 Planning Commission Meetings.

Commissioner Colbruno made a motion to continue item #s 2 and 5, seconded by Commissioner Coleman.

Action on the matter: 5 ayes, 0 noes.

Committee Reports

Commissioner Colbruno gave a report on the Zoning Update Committee Meeting held this afternoon at 4:00 P.M about the Citywide Zoning that includes proposed revisions to the Oakland Planning Code.

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.

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OPEN FORUM

Speaker: Genevieve Wilson.

CONSENT CALENDAR

Item #s 1 and 3 were pulled from the consent Calendar and will be heard at as public hearing items.

1.	Location:	The public Right-of-Way adjacent to 3343 Crane Way Nearest lot adjacent to the project site APN: (029-1160-012-04)
	Proposal:	To install a wireless Telecommunication Facility (AT&T wireless) on an existing 42'-11" 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 seven-foot tall extension affixed on top of the pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide single equipment box attached to the pole 8' above ground.
	Applicant:	New Cingular Wireless PCS, LLC/AT&T Mobility
	Contact Person/Phone Number:	Matthew Yergovich (415)596-3474
	Owner:	Pacific Gas & Electric (PG&E)
	Case File Number:	DR13045
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunication Facility to on existing PG&E pole located in the public right-of-way in a residential zone.
	General Plan:	Hillside Residential
	Zoning:	RH-3 Hillside Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility. 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:	3
	City Council District:	4
	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: jsmadani@oaklandnet.com

Staff Member Scott Miller gave a brief presentation.

Speaker: Eric Farber.

Commissioner Colbruno suggested to speaker, Eric Farber that he contact Mr. Yergovich to discuss how to resolve his issue with the telecom pole obstructing the view.

Applicant: Matt Yergovich gave a presentation.



Planning Commission Questions, Comments and Concerns:

Commissioner Colbruno asked why this location is so important for them to install a Telecom Facility.

Mr. Yergovich explained that they chose this location to provide coverage to the isolated area since the Oakland Hills is a difficult region to provide coverage to.

Commissioner Moore asked why the telecom pole can't be extended higher than proposed. He also inquired if mounting below the other telecom facilities would be a coverage issue.

Mr. Yergovich stated that they are unable to mount below the other facilities, because it would not meet the separation requirements.

Commissioner Huntsman asked if they searched for other locations less intrusive to the residence, and why did they choose this particular site.

Mr. Yergovich explained the other locations had utility poles that were a little more exposed. There is a tree nearby this pole which may be an option, but if they were to propose the site at Joaquin Miller Park or elsewhere, it would require new infrastructure.

Commissioner Coleman commented on his previous requests made at Planning Commission Meetings to receive a map of all telecom poles/facilities installed in the City of Oakland. His friend directed him to a website called "antennasearch.com" in which he entered the proposed project location address and found that within three miles of this address there are 39 towers and 204 antennas. He is concerned about the electro magnetic rays in the area and if anyone is checking on those 39 towers and 204 antennas.

Mr. Yergovich explained this is a testament to the difficulties of providing coverage for this isolated area and referred to the radio frequency analysis that was done. These are miniature facilities providing coverage to an isolated area.

Commissioner Colbruno stated that there was a Design Review Committee Meeting to address these very same concerns, and recommends that another Planning Commission Meeting with the new Commissioners be held to discuss these issues with AT&T.

Commissioner Coleman and Chair Huntsman concur with Commissioner Colbruno, and recommended expanding the invitation to all of the carriers to a joint meeting with the Planning Commission to discuss these issues.

Applicant: Barbara Leslie stated that she is willing to attend a joint meeting with the other carriers and the Planning Commission to discuss any issues raised.

Commissioner Moore stated that he is aware of some of the coverage difficulties in the Oakland Hills. He likes AT&T's approach to installing micro towers on existing PG&E poles rather than build large structures that are more impactful. Being in front of a residence the burden isn't equally shared, but he doesn't see a better way to provide coverage for the overall area.



Commissioner Coleman concurred with Commissioner Moore.

Chair Huntsman encouraged public speaker, Eric Farber to contact the applicants for AT&T to discuss and resolve his issues and concerns.

Commissioner Colbruno made a motion to approve, seconded by Commissioner Whales.

Action on the matter: Approved 4 ayes, 1 no (Huntsman).

2.	Location:	The public Right-of-Way adjacent to 75 Castle Park Way Nearest lot adjacent to the project site APN: (048D-7209-009-00)
	Proposal:	To install a wireless Telecommunication Facility (AT&T wireless) on an existing 39'-4" 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 seven-foot tall extension affixed on top of the pole; an associated equipment box, one battery backup and meter boxes within a 6' tall by 18" wide single equipment box attached to the pole 8' above ground.
	Applicant:	New Cingular Wireless PCS, LLC./AT&T Mobility
	Contact Person/Phone Number:	Matthew Yergovich (415)596-3474
	Owner:	Pacific Gas & Electric. (PG&E)
	Case File Number:	DR13043
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunication Facility to on existing PG&E pole located in the public right-of-way in a residential zone.
	General Plan:	Hillside Residential
	Zoning:	RH-4 Hillside Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing facility. 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:	4
	City Council District:	4
	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: jsmadani@oaklandnet.com

Commissioner Colbruno made a motion to continue, seconded by Commissioner Coleman.

Action on the matter: Continued until the May 1, 2013 Planning Commission Meeting, 5 ayes, 0 noes.



3.	Location:	Utility pole in public right-of-way adjacent to: 5658 Grisborne Avenue (right side of frontage)
	Assessor's Parcel Number:	Adjacent to: 048G-7420-014-00
	Proposal:	To install an 11' tall extension with two 2'-2" tall antennas (approx.) on top of a 29'-4" utility pole (proposed top height = 41'-5") and equipment pole mounted between 8' and 18'-11" in height.
		Pursuant to Federal and State law, City review for this application is essentially limited to design considerations only
	Applicant /	Matt Yergovich on behalf of Extenet (for AT&T)
	Phone Number:	(415) 596-3747
	Owners:	Public right-of-way: City of Oakland/ Utility pole: JPA
	Case File Number:	DR13023
	Planning Permits Required:	Regular Design Review and additional findings for a telecommunications facility in the public right-of-way
	General Plan:	Hillside Residential
	Zoning:	RH-4 Hillside Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic property
	Service Delivery District:	II
	City Council District:	4
	Date Filed:	January 28, 2013
	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

Staff Member Scott Miller gave a brief presentation.

Speakers: Aaron Brown, Harriet Schlader, Christopher Stotts.

Applicant: Matt Yergovich addressed some of the concerns raised by the public speakers concerning view impacts as a result of installation of the telecom facility and answered any questions asked by the Planning Commission.

Commissioner Whales asked if the parking lot is located at the northeast corner of Thornhill Road and Grisborne Avenue. She also inquired if there are any other carriers occupying this telecom facility and if alternative designs were created.

Commissioner Coleman asked if this is the church parking lot.

Commissioner Moore asked if the entire telecom pole was being replaced.

Mr. Yergovich explained that he believes the proposed telecom facility doesn't have any view impacts. This location was chosen off of Grisborne Avenue as opposed to some of the

locations on Thornhill Road to reduce any visual impacts from that thoroughfare. He is not sure if the parking lot belongs to the church. The telecom pole is being replaced with a new



one and there are no other carriers occupying this telecom facility. Alternative designs were explored and found that the current design was the least intrusive design.

Planning Commission Questions, Comments and Concerns:

Commissioner Whales stated that she is supportive of this project since AT&T will be replacing the existing telecom pole, but she is not too pleased with the height. Since alternative designs were explored and the least intrusive design is being proposed, she is in support of this project.

Commissioner Moore is generally supportive of the approach of the micro towers being less impactful in each location. He understands the concerns of having the telecom facility in front of a residence and it's not a burden equally shared, but the overall plan has merit.

Commissioner Coleman stated that the view impact of the telecom facility is less impactful than the possibility of installing a side arm. He understands there is good cellphone reception in the greater area which should be taken into consideration. The number of trees surrounding the project site doesn't seem to be a problem.

Commissioner Colbruno recalled from a previous hearing on similar matters that, the issue wasn't the current cellphone coverage, it was the amount of increased data. He also encouraged AT&T to discuss the height of the telecom facility being higher than the trees with the neighbors in the area.

Ms. Leslie responded to Commissioner Colbruno's comment by stating that the issue is a little bit of both cellphone coverage and increased data. With increased cellphone usage there is a high demand for better cellphone coverage. She also stated that AT&T is more than happy to have this discussion with the neighbors concerning the various issues.

Chair Huntsman clarified why he voted no on the previous item. If someone is given the opportunity to resolve the issues, it should be done before the Planning Commission vote on the item. The applicant may not feel compelled to resolve the issue once the vote is finalized. He stated that this project has merit and is proposed in the best way possible, and is in support of this project.

Mr. Miller addressed a previous statement made by Mr. Yergovich. He explained that staff is sensitive to the issues presented by the community, and there are times when staff feels the Design Review criteria were not complied with, but that the criteria do not protect sky views. View protection is intended when elevation changes occur or structures are in plain view at an eye level. According to some real estate professionals, there is no definitive negative impact on property values. However, capacity and coverage is important and could be a benefit to the livability. Staff understands that it may be hard to grasp that aspect when dealing with it from a visual stand point, but in this case, they found this project proposal met the Design Review criteria.

Commissioner Colbruno made a motion to approve, seconded by Commissioner Coleman.

Action on the matter: Approved 5 ayes, 0 noes.



PLEASE NOTE: ITEM #4 BELOW HAS BEEN REMOVED FROM THIS AGENDA

4.	Location:	Utility pole in public right-of-way adjacent to: 6818 & 6828 Saroni Drive
	Assessor's Parcel Number:	Adjacent to: 048E-7329-035-00 & 036-00
	Proposal:	To install a 7'-9" extension with two 2'-2" tall antennas (approx.) on top of a 37'-2" utility pole (proposed top height = 47'-1") and pole mounted equipment between 8' and 18'-10".
	Applicant/	Matt Yergovich on behalf of Extenet (for: AT&T)
	Phone Number:	(415) 596-3747
	Owner:	Public right-of-way: City of Oakland/ Utility pole: PG&E/JPA
	Case File Number:	DR13038
	Planning Permits Required:	Regular Design Review and additional findings for a telecommunications facility
	General Plan:	Hillside Residential
	Zoning:	RH-4 Hillside Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic property
	Service Delivery District:	II
	City Council District:	4
	Date Filed:	January 30, 2013
	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

**PUBLIC HEARINGS**

5.	Project Name:	BeautiFleaPeople Market
	Location:	Castro Street at 7th Street (APN001-0221-014-01)
	Proposal:	Allow Flea Market/Farmers Market to have Fast Food and Entertainment
	Contact Person/Phone Number:	Manuel Riley (510)541-7289
	Owner:	Caltrans
	Case File Number:	CM12254
	Planning Permits Required:	Major Conditional Use Permit to allow Group Assembly with Entertainment and Fast Food, (Total 3 Acres) in West Oakland
	General Plan:	Business Mix
	Zoning:	CIX-1 Commercial Industrial Mix Zoning District, S-19 Combining Zoning District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301, 15332
	Historic Status:	Not a Potential Designated Historic Property (vacant lots)
	Service Delivery District:	1
	City Council District:	3
	Commission Action to Be Taken:	Approve Staff Recommendation
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact David Valeska at (510) 238-2075 or dvalueska@oaklandnet.com

Commissioner Colbruno made a motion to continue this item, seconded by Commissioner Coleman.

Action on the matter: Continued until the June 19, 2013 Planning Commission Meeting, 5 ayes, 0 noes.

6.	Location:	Central Estuary Area which is bounded by 19 th Avenue to the north, 54 th Avenue to the south, I-880 to the east and the Estuary to the west.
	Proposal:	Conduct a public hearing to review and recommend forwarding to the City Council the Central Estuary Area Plan (CEAP) and the associated Planning Code amendments (new Chapter), Design Guidelines and Estuary Policy Plan (general plan) Amendments, as well as the certifying the Supplemental Environmental Impact Report (SEIR).
	Applicant:	City of Oakland, Department of Planning, Building and Neighborhood Preservation
	Case File Number:	ER11-0016/ ZT12109 / GP12110
	Planning Permits Required:	Adoption of the CEAP and the associated Planning Code amendments (new Zoning Chapter), Design Guidelines and Estuary Policy Plan (general plan) amendments
	General Plan:	Waterfront

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<p>Estuary Policy Plan: (Continued from page 8)</p>	<p>Existing: Light Industry-2, Waterfront Commercial Recreation-2, Planned Waterfront Development-2, Residential Mixed Use, Heavy Industrial, and General Commercial-1, Light Industry-3, Planned Waterfront Development-3, Parks</p> <p>Proposed Estuary Policy Plan Map Amendments:</p> <ul style="list-style-type: none"> • A portion of the area designated as Light Industrial 2 would change to Residential Mixed Use. • Portions of Union Point Park currently designated as Waterfront Commercial Recreation 2 would be amended to extend the Parks designation over the entirety of Union Point Park. • The westernmost segment of Union Point Park currently designated Parks would change to Waterfront Commercial Recreation 2. • The Parks designation would be expanded taking lands out of the Planned Waterfront Development 3 designation Martin Luther King Jr. Regional Shoreline Park area. <p>Proposed Estuary Policy Plan Text Amendments: the allowable floor area ratio would be increased in most areas to facilitate development of modern industrial facilities.</p>
<p>(Continued from page 9)</p>	<p>Zoning: Existing: M-30 General Industrial, M-40 Heavy Industrial, and HBX-3 Housing and Business Mix</p> <p>Proposed zoning changes: A total of six Central Estuary "CE" zones would replace the existing zoning; the proposed permitted, conditionally permitted and prohibited uses are generally consistent with the existing zones. Development standards would also generally be consistent with the existing zoning. Proposed Work/Live and Live/Work rules have been streamlined and home occupation regulations have been tailored to the Jingtowntown artisan neighborhood.</p>
<p>Historic Status: Environmental Determination:</p>	<p>Four Areas of Secondary Importance in the Project Area.</p> <p>A Supplemental Environmental Impact Report (SEIR) to the 1998 Oakland Estuary Policy Plan EIR has been prepared. The Draft SEIR was published for a 45 day public review period from November 9, 2012, to December 24, 2012.</p>
<p>Service Delivery District: City Council District:</p>	<p>3, 4, 5 2, 5</p>
<p>Action to be Taken:</p>	<p>Recommend adoption to the City Council of the CEAP and the associated Planning Code amendments (new Chapter), Design Guidelines and Estuary Policy Plan (general plan) Amendments, as well as the certifying the SEIR.</p>
<p>For Further Information:</p>	<p>Contact case planner: Alicia Parker at (510)-238-3362, or by email: aparker@oaklandnet.com</p>

Staff Members Alicia Parker and Ed Manasse gave a PowerPoint presentation.

Commissioner Whales asked staff to clarify the zoning changes regarding home occupation mentioned during the presentation.



Ms. Parker responded by stating the update to the home occupation regulations is specific to the CE-3 zone in the Jingtowen area. Home occupations would be allowed in a wider amount of facilities, right now home occupations are only allowed citywide in a primary residence. This proposal would also allow detached garages or basements as long as parking can be provided. Additionally, this proposal would permit custom manufacturing and one employee.

Commissioner Coleman inquired about the California Environmental Quality Act (CEQA) findings concerning geology, soils and global climate change. Is there any consideration to what will happen if the water actually rises? How will that be handled?

Where are the schools located in the residential area and will students have to cross the freeway to get to there? He would like to see an index of the photographs particularly those that are taken in other locations such as Seattle or New York.

Ms. Parker stated that staff is viewing citywide and regional strategies that could be accounted for a sustainability strategy. There are a couple of schools already in the area which may satisfy the immediate demand. Another component to this plan is to improve freeway undercrossing which will allow students to utilize the Fruitvale area schools. Such improvements would include: lighting, landscaping, complete sidewalks, etc.

Chair Huntsman stated this area plan captures and maintain integrity of the Estuary. One of his concerns is that the Estuary provides a lot of well paid industrial jobs. One of the earlier renditions to this plan was to possibly eliminate some of those type of jobs and replace them with more retail jobs. He is thankful that this problem has been addressed.

Speakers: Henry Boyle.

Planning Commission Questions, Comments and Concerns:

Commissioner Moore expressed various reasons why he is pleased with this project proposal process such as: evolution of this plan, more work to be done especially, to the under crossings on Interstate 880, having the Environmental Impact Report (EIR) completed and whatever infrastructure improvement district which gives certainty to developers and a mechanism for sharing the pain a little bit. It's important that the area plans are completed and he is happy to see this one coming along.

Commissioner Coleman commended staff for the excellent job preparing this plan. He also read through some of the previous public comments and responses from staff which was very well put together.

Commissioner Colbruno thanked staff for incorporating and responding to his previous comments on this project proposal and for a job well done.

Chair Huntsman concurred with his fellow Planning Commissioners on staff doing a great job on preparing this plan.

Commissioner Colbruno made a motion to approve, seconded by Commissioner Moore.

Action on the matter: Approved 5 ayes, 0 noes



OPEN FORUM

Speaker: Rene De le Prade

Approval of Minutes

February 6, 2013 minutes approved by consensus of the Planning Commission.

Action on the matter: Approved 4 ayes, 1 abstention (Colbruno).

February 20, 2013 minutes moved to the May 1, 2013 Planning Commission Meeting due to lack of quorum for an approval vote.

ADJOURNMENT

Meeting adjourned at approximately 7:25 P.M.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: May 1, 2013