



## **Oakland City Planning Commission**

## **Minutes**

**August 3, 2011**

**Regular Meeting**

*Vien Truong, Chair*  
*Sandra E. Gálvez, Vice Chair*  
*Michael Colbruno*  
*C. Blake Huntsman*  
*Chris Pattillo*  
*Jonelyn Whales*  
*Madeleine Zayas-Mart*

### **ROLL CALL**

**Present:** Truong, Colbruno, Pattillo, Whales

**Excused:** Galvez, Huntsman, Zayas-Mart

**Staff:** Eric Angstadt, Scott Miller, Heather Lee,  
David Valeska, Mike Rivera, Cheryl Dunaway

### **WELCOME BY THE CHAIR**

### **Agenda Discussion**

### **Director's Report**

Deputy Director, Eric Angstadt gave a report on the Redevelopment Agency Status Due to Recent Legislation and answered questions asked by the Planning Commission.

**Speaker:** Sanjiv Handa.

### **OPEN FORUM**

**Speaker:** Sanjiv Handa.

### **CONSENT CALENDAR**

Item #3 moved on consent of the Planning Commission.

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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.

**PLEASE NOTE: THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.**

<b>1.</b>	<b>Location:</b>	<del>3700 Dorisa Avenue (on the grounds of APN's: 043A-4675-005-26 and 005-27) (12/23/10)</del>
	<b>Proposal:</b>	<del>To install and replace new and existing Telecommunication facilities (resulting in a Macro Telecommunication facilities) locate on the grounds of the level equipment shelter at St. Paschal Baylon Church</del>
	<b>Applicant:</b>	<del>Jonathan Fong /The Lyle Company</del>
	<b>Contact Person/Phone Number:</b>	<del>Same (916)868-6673</del>
	<b>Owner:</b>	<del>Roman Catholic Bishop of Oakland</del>
	<b>Case File Number:</b>	<del>CMD10-348</del>
	<b>Planning Permits Required:</b>	<del>Major Conditional Use Permit and Regular Design Review to establish a Macro Telecommunication facility (replacing 1 of 3 existing un-concealed post mounted panel antenna and adding 2 new RRU antennas for a total of 5 antennas in this compound) within in a residential zone.</del>
	<b>General Plan:</b>	<del>Hillside Residential</del>
	<b>Zoning:</b>	<del>RH 4, hillside Residential Zone -4Single Family Residential</del>
	<b>Environmental Determination:</b>	<del>Exempt, Section 15301 of the State of CEQA Guidelines; existing facilities.</del>
	<b>Historic Status:</b>	<del>Not a Historic Property</del>
	<b>Service Delivery District:</b>	<del>6</del>
	<b>City Council District:</b>	<del>7</del>
	<b>Status:</b>	<del>Pending</del>
	<b>Action to be Taken:</b>	<del>Decision based of staff recommendation</del>
	<b>Finality of Decision:</b>	<del>Appealable to City Council within 10 Days</del>
	<b>For Further Information:</b>	<del>Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com</del>

<b>3.</b>	<b>Location:</b>	<b>3033 MacArthur Boulevard (APN: 028 -0938-019-04)</b>
		Request for a Major Conditional Use Permit and Design Review for the modification to an existing unmanned telecommunications
	<b>Proposal:</b>	facility. Project will replace three existing antennas inside an existing roof top cupola with three new antennas, six RRU's and one additional equipment cabinet located on the roof of "The Food Mill".
	<b>Applicant:</b>	David Snypes (Realcom) for AT&T
	<b>Contact Person/ Phone Number:</b>	David Snypes (925) 519-5081
	<b>Owner:</b>	Kirk D. Watkins
	<b>Case File Number:</b>	CMD11-064
	<b>Planning Permits Required:</b>	Major Conditional Use Permit to modify an existing wireless telecommunication macro facility and Regular Design Review to replace three (3) existing antennas with three (3) new antennas within (e) rooftop enclosures and a new equipment cabinet at the rear of the building.
	<b>General Plan:</b>	Urban Residential
	<b>Zoning:</b>	RU-5 Urban Residential 5 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: D3
<b>Service Delivery District:</b>	4
<b>City Council District:</b>	IV
<b>Date Filed:</b>	04/07/11
<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>

Commissioner Colbruno made a motion, seconded by Commissioner Whales.  
Action on the matter: Approved 4 ayes, 0 noes.

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

<b>4.</b>	<b>Location:</b>	<b>3833 Telegraph Avenue (APN 012-0967-003-00)</b>
	<b>Proposal:</b>	Appeal of a Zoning Determination regarding condominium conversion rights created by the rehabilitation of an existing 22-unit building.
	<b>Contact Person/Phone Number:</b>	John Gutierrez (510) 647-0600
	<b>Owner:</b>	Jason and Karen Mak
	<b>Case File Number:</b>	<b>A10-228 (related to DET10-027)</b>
	<b>Planning Permits Required:</b>	Appeal of a Zoning Determination regarding condominium conversion rights created by the rehabilitation of an existing 22-unit building.
	<b>General Plan:</b>	Neighborhood Center
	<b>Zoning:</b>	CN-2 "Neighborhood Commercial Zone-2" (formerly C-28)
	<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities)
	<b>Historic Status:</b>	Not a Potential Designated Historic Property; Survey Rating: X
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	1
	<b>Date Filed:</b>	August 19, 2010
	<b>Staff Recommendation:</b>	Deny Appeal
	<b>Action to be Taken:</b>	Decision regarding Appeal Request
	<b>Finality of Decision:</b>	Final
	<b>For More Information:</b>	Contact Case Planner, Ann Clevenger, at (510) 238-6980 or <a href="mailto:aclevenger@oaklandnet.com">aclevenger@oaklandnet.com</a>



**PUBLIC HEARINGS**

2.	<b>Location:</b>	<b>4660 Harbord Drive (APN: 048B-7150-002-04)</b>
	<b>Proposal:</b>	To collocate 3 concealed antenna panels on the exterior walls of the main building and roof penthouse, 6 Radio Remote Unit (RRU' s) antennas on the interior building parapet and on the exterior penthouse walls, including 3 equipment cabinets inside one of the penthouses located at the school facility.
	<b>Applicant/Contact Person:</b>	The Lyle Company/ AT&T, Jonathan Fong
	<b>Phone Number:</b>	(916) 266-7000
	<b>Owner:</b>	Holy Names High School
	<b>Case File Number:</b>	<b>CMD10-285</b>
	<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 Telecommunication Facility.
	<b>General Plan:</b>	Institutional
	<b>Zoning:</b>	RD-1 Detached Unit 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>	November 8, 2010
	<b>Action to be Taken:</b>	Decision based on staff report
	<b>Finality of Decision:</b>	Appealable to City Council within 10 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>

Staff Member Mike Rivera gave a brief presentation and answered questions asked by the Planning Commission.

**Speaker:** Barbara Schramm.

**Applicant:** Jonathan Fong answered questions asked by the Planning Commission.

Commissioner Pattillo made a motion to approve, seconded by Commissioner Whales.  
Action on the matter: Approved 4 ayes, 0 noes.



5.	<b>Location:</b>	1421 Broadway (APN: 08-0619-008-01)
	<b>Proposal:</b>	Allow sales of alcoholic beverages at an existing restaurant; and group assembly
	<b>Contact Person/Phone Number:</b>	Cortt Dunlap (510)847-1857
	<b>Owner:</b>	City of Oakland
	<b>Case File Number:</b>	CM11-103
	<b>Planning Permits Required:</b>	Major Conditional Use Permit to allow Alcoholic Beverage Service pursuant to OPC Section 17.102.210 for an existing Limited Service Restaurant; and Group Assembly for special events
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	Central Business District--Pedestrian
	<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303
	<b>Historic Status:</b>	Not a Potential Designated Historic Property
	<b>Service Delivery District:</b>	Metro
	<b>City Council District:</b>	3
	<b>Date Filed:</b>	May 31, 2011
	<b>Action to be Taken:</b>	Decision on Application Based on Staff Report
	<b>Finality of Decision:</b>	Appealable to City Council within 10 Days
	<b>For Further Information:</b>	Contact <b>David Valeska</b> at (510) 238-2075 or <a href="mailto:dvalueska@oaklandnet.com">dvalueska@oaklandnet.com</a>

Staff Member David Valeska gave a presentation and answered questions asked by the Planning Commission.

**Applicant:** Cortt Dunlop answered questions asked by the Planning Commission. Staff Member Scott Miller also responded to the questions asked by the Planning Commission.

**Speaker:** Sanjiv Handa.

Planning Commission discussed the applicant's request for the hours of operation to be extended from the proposed closing time of 11:00 P.M. to 1:00 A.M.

Planning Commission recommended that after 3 months, a review of the applicant's progress be done. If the progress report shows that the business is in compliance with the conditions of approval, the hours may be extended with the approval of the Planning Commission. Other recommendations made by the Planning Commission includes: an outside sitting area with outdoor plants, proper signage for the public to better see and understanding of the anti loitering language stated on the application.

Commissioner Pattillo made a motion to approve, seconded by Commissioner Truong with addition of a condition requiring landscape planters, but with no compliance condition. Action on the matter: Motion fails 2 ayes, 2noes. A second motion was made by Commissioner Colbruno, seconded by Commissioner Whales including the planter condition and compliance review. Should the hours be extended, the applicant shall submit to a compliance review ninety days beyond the days the hours are extended and shall pay a revision fee to cover cost of the review of the compliance review and the compliance review



shall be submitted to the Planning Commission for review and evaluation to determine if the applicant is operating within compliance with all conditions and whether or not there are any complaints through Alcoholic Beverage Action Team (ABAT).

Action on the matter: Approved 4ayes, 0 noes.

**PLEASE NOTE: ITEM #6, BELOW, WAS CONTINUED FROM THE JULY 20<sup>TH</sup> COMMISSION MEETING. ANY AND ALL PERSONS WISHING TO SPEAK, INCLUDING THOSE PERSONS THAT SPOKE AND/OR SIGNED UP TO SPEAK AT THE JULY 20<sup>TH</sup> MEETING, WILL BE GIVEN THE OPPORTUNITY TO SPEAK AT THE AUGUST 3<sup>RD</sup> MEETING.**

6. **Location:** 6310 College Avenue (APN's : 048A-7070-001-01; & 007-01)  
**Proposal:** Public Hearing on the Draft Environmental Impact Report to obtain comments on the environmental analysis related to the redevelopment of the Safeway on College Avenue. The project would involve demolition of the existing approximately 25,000 square-foot store, parking lot and service station and construction of a two-story, approximately 62,000 square foot building that would contain Safeway supermarket of approximately 51,500 square feet, approximately 10,500 square feet of ground floor retail spaces (for approximately eight retail shops including one restaurant), and a partially below-grade and upper level parking garage with about 171 parking spaces.  
**Applicant:** Lowney Architects  
**Contact Person/Phone Number:** Ken Lowney - (510)836-5400  
**Owner:** Safeway Stores Inc.  
**Case File Number:** ER09-0006, CMDV09-107 & TPM-09889  
**Planning Permits Required:** Major Conditional Use permits (General Food Sales, Commercial Square Footage in excess of 7,500 square feet, Driveway location, and Alcohol Sales), Regular Design Review for new construction, Minor Variances for required parking (186 stalls required; 171 proposed) and required loading berths (3 required; 2 proposed), and a Tentative Parcel Map for lot merger and commercial condominiums.  
**General Plan:** Neighborhood Center Mixed Use  
**Zoning:** C-31, Special Retail Commercial Zone (Since the release of the Notice of Preparation the subject site' s zoning designation has been changed as part of the citywide zoning update and the subject property is now located within a CN-1 Zone)  
**Environmental Determination:** Draft Environmental Impact Report was published for a 45-day review period from July 1, 2011 to August 15, 2011  
**Historic Status:** Not a Potentially Designated Historic Property; Rating: X  
**Service Delivery District:** 2  
**City Council District:** 1

(Continued on page 7)



(Continued from page 6) **Status:** Public Hearing continued from July 20, 2011. Any and all persons wishing to speak, including those that spoke and/or signed up to speak at the July 20<sup>th</sup> meeting, will be given the opportunity to speak at the August 3<sup>rd</sup> meeting.

**Action to be Taken:** Receive public and Planning Commission comments on the Draft Environmental Impact Report

**For Further Information:** Contact case planner **Peterson Z. Vollmann** at (510) 238-6167 or by email: [pvollman@oaklandnet.com](mailto:pvollman@oaklandnet.com).

**This item is continued from the July 20, 2011 Planning Commission meeting.**

**All speakers who signed up at the July 20, 2011 Planning Commission meeting will be called first in the order received then, the speakers who signed up for tonight's meeting will be called thereafter.**

**Speakers:** John Gatewood, Glen Alex, Ronnie Spitzer, Denny Abrahms, Peter Haberfeld, Joe De Credico, Denise Conley, Mort Jensen, Resa Tausey, Kirk Miller, Nancy McKay, Linda Housrathi, Nikolas Nettcheim, Johanna Egen, Rosemary Muller, Nancy Hendrickson, Rich Yurman, Joyce Roy, Lars Skjerpig, Norman Macleod, Ann Simon, Richard Smith, Jonathan Bair, Cory Lavigne, Cleo Goodwin, Debbie Kartiganer, Jacquelyn McCormick, Diana Dorinson, Hiroko Kurihara, Claudine Jones, Jack Gerson, Jason McBriarty, George Davis, David Abel, Glen Jarvis, unknown male speaker, Ortrvn Niesar, Nathan Abercrombie, Dean Metzger, David Denton, Sanjiv Handa, Michael Barrett, Patricia Maloney, Ellen Cohler, Stuart Flashman, Joel Rubenzahl, Julia May, Jerome Buttrick, Laurie Dornbrand, Peter Fowler, Meri Simon, John Chalik, Kirk Peterson, Vicente Miconos, Sanjiv Handa.

**Planning Commission comments:** Commissioner Whales stated that she found inconsistencies with the Draft Environmental Impact Report and after hearing various public comments, there may be some negative impact on traffic, pedestrian safety and that additional information may need to be included in the Environmental Impact Report in order to address those issues.

**This item is for Public Hearing to hear the public and Planning Commission comments on the Draft Environmental Impact Report. No decision made at tonight's meeting.**

### **COMMISSION BUSINESS**

**Approval of Minutes**

No approval of Planning Commission Meeting minutes.

### **ADJOURNMENT**

Meeting adjourned at approximately 11:20 P.M.

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