



*Chris Pattillo, Chair
Jim Moore, Vice Chair
Jahaziel Bonilla
Michael Coleman
Jahmese Myres
Adhi Nagraj
Emily Weinstein*

September 3, 2014
Regular Meeting

ROLL CALL

Present: Pattillo, Moore, Bonilla, Coleman, Myres, Nagraj, Weinstein.

Staff: Scott Miller, Michael Bradley, Christina Ferracane, Heather Lee, Cheryl Dunaway.

WELCOME BY THE CHAIR

Agenda Discussion

A request for Item #7 to be continued will be made in which the Planning Commission will decide on which date certain it will be rescheduled to. A formal vote by the Planning Commission is needed for noticing and advertising purposes. Items 2, 4 and 5 were removed from this agenda with no date certain on when they will be rescheduled.

Commission Matters

Commissioner Weinstein stated that she met with members of the Chinatown Housing Coalition during the Planning Commission recess to discuss the Lake Merritt Specific Plan.

CONSENT CALENDAR

Items 1 and 3 were removed from the consent calendar and will be heard at tonight's meeting.

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.



1.	Location:	The public Right of Way in front of 6676 Pineneedle Drive Adjacent APN: (048G-7431-040-00)
	Proposal:	To install a wireless telecommunication facility (AT&T wireless) on a new replacement PG&E utility pole located in public right-of-way: Install two panel antennas (approximately two-feet long and ten-inches wide mounted on top of the pole at a total height of 50'-5"; an associated equipment box, one battery backup and meter boxes within a 8' tall by 2'wide singular equipment box attached to the pole at 10'-10" high 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:	PLN14037
	Planning Permits Required:	Major Design Review to install a wireless Telecommunication Macro Facility to on new replacement 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: X
	Service Delivery District:	2
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Decision on Application
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Staff Member Michael Bradley gave a brief presentation.

Applicant: Matthew Yergovich gave a presentation.

Chair Pattillo asked for clarification that the plans stated the antenna is 17 ft. higher than the existing one.

Mr. Yergovich stated that isn't correct. The existing pole as indicated on A2 elevation sheet in attachment A is 38 ft. and 10 inches. They purpose to replace this pole with a new one which will be 50 ft. and 5 inches combined with the antenna, making it approximately a 12 foot height increase.

Chair Pattillo asked if they explored the feasibility of a faux tree at this site. What were the results if they did and if they didn't, why not?

Mr. Yergovich stated that they plan on using existing telecom poles to ensure the least visual impact is imposed. If they erected a new mono pine, the findings may be stricter on a residential parcel which makes it difficult to approve. Using the existing utility structure is s a lot less intrusive.

Commissioner Nagraj asked Mr. Yergovich to explain the noise and instability of the structure references in a letter received from Mr. David Draheim.



Mr. Yergovich explained that the facility meets the City of Oakland's acoustical standards in response to the letter, their third party engineering company provided a letter verifying that this proposal is well below the City of Oakland's acoustical standards. From an engineering perspective, there are concerns that the poles fall down. The relevant engineering provisions are provided under the State of California Public Utilities Commission general order 95. This facility meets those construction standards.

Speakers: Elisabeth Jewel, David Draheim.

Chair Pattillo asked staff to respond to the statement made by speaker Mr. Draheim concerning site alternative #4 listed in the staff report to mount the antenna on the PG&E utility pole.

Mr. Bradley responded stating that they have a site alternative analysis provided by Mr. Yergovich related to a lattice transmission tower. He deferred to Mr. Yergovich for further explanation.

Mr. Yergovich stated that they evaluated the PG&E lattice tower at the intersection of Broadway Terrace and Pineneedle Drive which is a very visible corridor. The PG&E towers are located on open spaces in which the City of Oakland's Bureau of Planning usually doesn't recommend placement of these types of facilities on such open spaces. The visual impact imposed by a facility at that location is much more than what's proposed since it's an exposed location up against the hillside, not in front of someone's home. This is why mounting on the PG&E tower was rejected.

Commissioner Coleman asked what would be the disadvantage electronically or mechanically to use alternative #4.

Mr. Yergovich explained that they've provided some propagation maps that are best sighted there contained in Exhibit 3 is the vantage point of the area they are trying to propagate to. Number 80 indicates the proposed facility, Exhibit 2 shows the existing coverage and Exhibit 3 shows the proposed coverage. They want to direct the coverage downhill because it's the best vantage point to do so. If they went to the lattice tower they would be North at the intersection of Broadway Terrace where they've evaluated it and it appeared to be less desirable. There are no existing AT&T utilities at this PG&E location; it's an existing parcel not a public right of way area where AT&T is already located. They view the proposed location where AT&T is already located in the public right of way on an existing telephone utility pole as the most appropriate and least visually impacted location.

Mr. Miller clarified that the antennas will be facing downhill, not uphill towards Mr. Draheim's home. His understanding is the way the panel antenna is directed is where the radio frequency emissions would occur, even if they were close enough.

Mr. Yergovich directed the Planning Commission to sheet A1 of their drawings which corroborates Mr. Miller's explanation that the antenna points downhill. The RF Study by Hammit and Edison states the emissions from this facility is a fraction of a percentage of the Federal Communications Commissions (FCC) established threshold.

Planning Commission Questions, Comments and Concerns:

Nagraj After reading where the applicant just left off on page 2 of the consultant's study states, "the RF exposure is .23 percent of the public exposure limit, per second floor elevations is .38 percent of the public limit." Given the least obtrusive option which the applicant seems to have chosen by extending a pre-existing pole, he is in support of this project.



Vice Chair Moore stated that being very familiar with the Oakland Hills and it's challenges such as: elevation changes and canyons. The solution of many small facilities versus massive towers is an equitable solution. Not very comfortable micromanaging where they are placed. If you drive through the Oakland Hills you will see any number of utility poles sometimes there are spaces as close as 20 or 30 feet apart just to make it work around the winding roads. In support of this project.

Chair Pattillo stated that the report from the applicant is very thorough and clear. Being one of the residents that lives downhill from this site can attest that the coverage needs improvement.

Commissioner Nagraj made a motion to approve, seconded by Commission Bonilla.

Action on the matter: Approved 7 ayes, 0 noes.

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

2.	Location:	Utility pole in public right-of-way adjacent to:
		2040 Tampa Avenue
	Assessor's Parcel Numbers:	Adjacent to APN: 048E-7344-008-00
	Proposal:	To install an extension with two telecommunications antennas on top of a 38'-1" utility pole with street lamp (proposed top height = 50'-5") and equipment pole mounted between 8-ft and 20-ft in height.
	Applicant /	Matt Yergovich (for: AT&T)
	Phone Number:	(415) 596-3747
	Owners:	Public right-of-way/street lamp: City of Oakland/ Utility pole: JPA/PG&E
	Case File Number:	PLN14038
	Planning Permits Required:	Regular Design Review and additional findings for a telecommunications facility; Variance to locate within 1,500 feet any existing monopole
	General Plan:	Hillside Residential
	Zoning:	RH-4 Hillside Residential Zone
	Environmental Determination:	To be determined
	Historic Status:	Non-historic property
	Service Delivery District:	2
	City Council District:	4
	Date Filed:	March 6, 2014
	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



3.	Location: The public Right of Way in front of 6433 Westover Drive Adjacent APN: (048D-7305-023-03)
	Proposal: To install a wireless telecommunication facility (AT&T wireless) on an existing 38'-6" high PG&E utility pole located in public right-of-way: Install two panel antennas (approximately two-feet long and ten-inches wide mounted onto a ten-foot tall extension affixed on top of the pole at a total height of 48'-5"; an associated equipment box, one battery backup and meter boxes within a 8' tall by 2' wide singular equipment box attached to the pole at 10'-10" high 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: PLN14039
	Planning Permits Required: Major Design Review to install a wireless Telecommunication Macro 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: F3
	Service Delivery District: 2
	City Council District: 4
	Status: Pending
	Action to be Taken: Decision on Application
	Finality of Decision: Appealable to City Council with days
	For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Staff Member Michael Bradley gave a presentation.

Applicant: Matthew Yergovich gave a presentation.

Speaker: Mike Petouhoff.

Vice Chair Moore suggested that a long term comprehensive solution would be to underground the utilities is required for new significant developments. Where do you stand on that?

Mr. Miller explained that there are a number of areas in the Oakland Hills designated as underground districts, but doesn't believe this site is one of them. In those cases, alternative locations are located for any telecom equipment that's up on a utility pole due to the utility pole and telecom will be coming down. They are working with Councilmembers Schaaf's office on a couple of locations that have conflicts with Next G facilities on 2 poles. In most cases the carriers avoid the underground districts because they know that over time the utility poles will go away.

Mr. Bradley further explained that staff added condition of approval #16 so, if the utilities were placed underground, the equipment will have to be removed.

Commissioner Coleman stated that he has requested on several occasions, a map of all telecom poles/antennas in Oakland. They have no idea how many antennas there are in the Oakland Hills which is of great concern. They receive bits of information from on locations from particular carriers and there



are at least 2 or 3 carriers that are installing cell phone towers in the Oakland Hills and exposure is a concern. This is a problem when a group of 32 antennas are being installed one at a time is an uneasy feeling.

Mr. Miller responded stating that every telecom application staff requires and receive a radio frequency emissions test. The fine print explains the exposure level is limited by the Federal Government. It's true that the City of Oakland is preempted from making it an issue assuming that it meets the Federal Government standards in every application proof that this being done and met. Staff doesn't present applications to the Planning Commission without first showing that they've met the Federal Government standards for radio frequency emissions. He acknowledges that a request for a comprehensive map was made and staff will see if they can aggregate all of the separate carrier's maps into one and provide it to the Planning Commission. He agrees that there are various types of antennas in the Oakland Hills and lately they've been similar to this project proposal where it's a relatively small antenna usually at the top of an existing utility pole. Others in the past were located on top of water towers that were designed to cover a larger area. The companies that are working on these installations in which AT&T is currently the most prolific are those that are filling in the small gaps in coverage and capacity because of the unique topography in the Oakland Hills. This is why there are a lot of telecom applications coming in as AT&T expands its coverage and data capacity as our wireless facilities continue to evolve and be used more, it's not a matter of having 3 or 4 bars on your cell phone, but it's a matter of being able to handle the data load that comes with that from our other devices.

Commissioner Coleman stated that his concern is that they learn about each antenna individually without a concept of at any given antenna is certainly within the limits. What is the cumulative impact of all of the antenna and having a map of them?

Commissioner Nagraj asked the applicant to please explain what the 32 antennas on one application means and the engineering study on page 3 states the applicable percentage is .69 of the public exposure limit. Does those numbers take into account, all of the other existing antennas presumably as the 32 or other adjacent antennas increase in numbers, that public exposure limit should increase to take into effect the cumulative effect of all of the antennas being installed or is it just that one antenna?

Mr. Yergovich explained, from a radio frequency perspective, they take into account the cumulative effect. The term "cumulative impact" is something that comes from California Environmental Quality Act (CEQA). The State of California has primary authority as to the California Environmental Quality Act (CEQA) implications of the utility poles. The utility poles themselves and in the Oakland Hills are categorically exempt from California Environmental Quality Act (CEQA). These miniature additions are appropriately categorically exempt as well. They've provided several maps showing the nearby AT&T facilities, but all of their proposals in the Oakland Hills. The individual review is something that ensures that each of these facilities is sited as best as possible, considering the individual coverage objectives and the topography and nearby alternative sites. This is the most appropriate and it's not one project, each of these facilities is viable. From the perspective of cost and ease for AT&T to cover one area, these are not desirable from AT&T's perspective and it's much more cost effective to deploy one true tower on a hillside that would cover the area. The problem is because of the topography, the signal is lost because of the altitude of the hills, the trees, the hills themselves blocking the signal and interference from the Bay. The signal isn't contained to speak to your cell phone, that's why we have these miniature facilities proposed to cover discreet areas as indicated on propagation maps provided.

Chair Pattillo informed the public that if they are waiting for the last item to speak on the Lake Merritt Station Area Plan. It's very likely that that item will be postponed so, you may not want to continue to wait on that item. The Planning Commission will decide once they are finished hearing this item.



Vice Chair Moore stated that for the past 2 years there has been a list of all of these projects by address. It may not be specific to the pole in front of that house, but he encourages those who live in the Oakland Hills to take the opportunity to review the list to see if they might be affected. There are stakeholders and a lot of groups organized in the Oakland Hills that should have easy access to this list, but he's frequently seen it for the past 2 years and it does exist.

Commissioner Myres concurs with Commissioner Coleman about a map of all of the telecom antennas in the City of Oakland and what's the timeline of when they can expect to receive it.

Mr. Miller explained that AT&T has been forthcoming with providing their maps, but staff will work with the other carriers to receive updated maps. This may take a couple of months, but no longer than the end of this year.

Commissioner Myres asked about page A2 in the box on the bottom of the page. Is it 8 ft. tall, 2 ft. wide and 2 ft. deep?

Mr. Yergovich responded yes, those dimensions are approximately correct. The box is better depicted on the following D1 sheet in the lower left hand corner, detail 12. The sheathing depicted in this exhibit is an aesthetic sheathing that they proposed in response to the Planning Commission's past and the Planning staff's recommendations. They are happy to remove the sheath, but if they do the naked equipment cabinets would be mounted as depicted in detail 3 on the right hand side and the quad band flex wave prism in detail 2 just underneath that. The sheathing does contribute to the aesthetics and generally fits within the silhouette of the pole.

Commissioner Bonilla asked what is the feasibility of having underground utilities as Vice Chair Moore previously suggested. Do you have the technology to do that type of application? It will mitigate the obvious concerns about: aesthetics, noise emissions and other related issues.

Mr. Yergovich responded stating that facilities rely on a line of site in order to provide coverage to a wireless device so, there is no way to underground them. If the pole itself is undergrounded, they've agreed to a condition of approval that's contained in the approval packet that this facility will be removed. As Mr. Miller previously stated, this currently isn't an undergrounding area. It's not technologically feasible to underground because the facilities rely on a line of site.

Mr. Miller reminded the Planning Commission that they would add California Environmental Quality Act (CEQA) exemption 15303, new construction or conversion of a small structure to the 2 other exemptions stated in the staff report. This relates to adding equipment and antennas to an existing utility pole.

Commissioner Nagraj made a motion to approve subject to the California Environmental Quality Act (CEQA) exemption 15303, seconded by Commissioner Bonilla.

Action on the matter: Approved 7 ayes, 0 noes.



PLEASE NOTE: ITEMS NO. 4 AND NO. 5, BELOW, ARE REMOVED FROM THIS AGENDA

4.	Location:	The public Right of Way in front of 2181 Andrews Street Adjacent APN: (048D-7244-005-01)
	Proposal:	To install a wireless telecommunication facility (AT&T wireless) on a new replacement PG&E utility pole located in public right of way. Install two panel antennas (approximately two feet long and ten inches wide mounted on top of the pole at a total height of 50'-5"; an associated equipment box, one battery backup and meter boxes within a 8' tall by 2' wide singular equipment box attached to the pole at 10'-10" high 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:	PLN14041
	Planning Permits Required:	Major Design Review to install a wireless Telecommunication Macro Facility to on new replacement 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: X
	Service Delivery District:	2
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Decision on Application
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com



5.

Location: Public right-of-way adjacent to vacant lot east of 6700 Moore Drive

Assessor's Parcel Number: Adjacent to: 048D 7310-023-00

Proposal: To install a new 36'-11" telecommunications monopole including 2 antennas and pole-mounted equipment.

Applicant/Phone Number: Matt Yergovich (for: AT&T) (415) 596-3747

Owner: Public right-of-way: City of Oakland

Case File Number: PLN14045

Planning Permits Required: Major Conditional Use Permit with additional findings for Monopole Telecommunications Facility in a Residential Zone; Regular Design Review and additional findings; Variance to locate within 1,500 feet of any existing monopole

General Plan: Hillside Residential

Zoning: RH 4 Hillside Residential Zone

Environmental Determination: To be determined

Historic Status: Non-historic property

Service Delivery District: 2

City Council District: 4

Date Filed: March 10, 2014

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

6.

Location: 0 Wood Street/1750 - 14th Street (APNs: 007-0551--014-00; 007-0551--015-00; 007-0551--016-00; 007-0551--017-00)

Proposal: To combine four vacant parcels, re-subdivide them into 10 mini-lots and construct 10 new single family dwellings (one dwelling on each lot).

Owner/Applicant: 3294 Louise Street LLC

Contact Person /Phone No.: Francesca Boyd (510)428-1714

Case File Number: TTM8191 & PLN14110

Planning Permits Required: Tentative Tract Map for a mini-lot subdivision to create ten (10) mini lots; Minor Conditional Use Permits for Mini-Lot Development and for a shared Access Facility, Regular Design Review for new construction of ten (10) new single family dwellings; and Minor Variance to allow a 22-foot separation between driveways where 25 minimum is required .

General Plan: Housing and Business Mix

Zoning: HBX-2 Housing and Business Mix Zone 2

Environmental Determination: State CEQA Guidelines: Categorically Exempt, Sections 15332; Infill developments. Special Situation, Section 15183, projects consistent with a community plan, general plan or zoning.

Historic Status: Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A

Service Delivery District: 1

City Council District: 3

Status: Pending

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 Maurice Brenyah-Addow at (510) 238-6342 or by email at: mbrenyah@oaklandnet.com

THIS ITEM WAS HEARD AFTER ITEM #7



Commissioners Nagraj and Weinstein recused themselves from hearing this item due to conflict of interest.

Staff Member Maurice Brenyah-Addow gave a presentation.

Applicants: Francesca Boyd, Travis Tarr and Marcus Johnson gave a presentation.

Speakers: Victoria Stafford, Nick Pukatch, Allison Hauxhurst, Brooke Baird.

Vice Chair Moore asked if there will be a Home Owner's Association (HOA).

Ms. Boyd responded no. There are no commonly owned spaces at this site, they are all individually owned.

Vice Chair Moore stated there is a condition of approval in the staff report that refers to a Home Owner's Association (HOA) and he interpreted it as being a requirement.

Ms. Boyd stated that it may be in regards to the easements for the shared use.

Mr. Brenyah-Addow further explained that it's a condition of approval typical of mini - lot developments, because there may be a common area. In this case, there are two shared access facilities where there should be some form of a maintenance agreement and arrangement. Typically, the standard condition requires the developer be a member of a Home Owner's Association (HOA) for at least one year to ensure everything is running smoothly before moving forward.

Vice Chair Moore asked if this agreement is a separate shared access facility agreement and not a Home Owner's Association (HOA).

Mr. Brenyah-Addow responded stating that the Home Owner's Association (HOA) manages the entire property although, shared access may affect specific properties, it's still considered a common area for the development.

Mr. Miller further explained that the agreement will be for homes 4 and 5 where there's a shared use of the driveway. Ms. Boyd pointed out that home #8 would also be included in the access easement agreement because the driveway crosses another property. His presumption is that the maintenance of that would be for home #8 and a maintenance agreement between lots 4 and 5 should also be provided. Staff seems to have categorized this as a maintenance entity, not a Home Owner's Association (HOA). Staff can modify the condition that specifically mentions the Home Owner's Association (HOA) and characterize it to state what's necessary in this case. It can be stated in the motion that an adjustment to that condition will be made.

Vice Chair Moore asked if there is room for parking tandem in the parking area in front of the garages at homes 4 and 5.

Kathy Kuhner responded stating yes, it's a tandem parking space. She stated that the City Ventures property across the street requires 14 on street parking spaces at a 45 degree angle and no driveway cuts into the homes on the other side of the street. There are 10 on street parking spaces that will be available after their curb cuts and several tandem parking spaces which speaks to her neighbor's statement about the neighborhood being able to absorb 10 homes.



Mr. Brenyah-Addow further explained that in addition to the driveways, some of the units are attached and share common walls where in that case, a Home Owner's Association (HOA) is necessary.

Mr. Tarr clarified that a Home Owner's Association (HOA) isn't necessary for this project. He has drafted and legalized several agreements on past projects similar to this one where agreements were created on how to handle situations similar to a Home Owner's Association (HOA) without being a member.

Vice Chair Moore asked if a part of the agreement is to provide funds for street improvements for ADA at the corners of 14th and 15th Streets all the way across the street to the gutter line, not to extend onto the sidewalks.

Mr. Brenyah-Addow responded yes, that is correct. This is a requirement of the Oakland Public Works Department. Specifically, street lighting and ADA ramps along the street, not necessarily to the opposite sides which are the frontage of other properties.

Vice Chair Moore stated that the way it's worded states up to the north side of 15th Street and the south side of 14th Street which would take it across the street, not sure what improvements occur in the street. He wanted to know if the improvements in the street were a part of this project which is usually the case assuming because of the size of this project.

Mr. Brenyah-Addow responded stating that this is a tract map which are subdivisions involving 5 or more lots. The public improvements are typically extensive which involves any infrastructure improvements that occurs, assuming that particular right of way needs improving. The City Ventures project across the street are also required to make similar improvements. In that particular instance they meet each other halfway, but to the extent that the 14th and 15th Streets may require improvements, they are required to go as far as the gutter on the other side of the street.

Commissioner Coleman asked if there will be fences on the property lines and since they are individually owned is there any control on installing fences.

Ms. Boyd responded yes, they will build fences along the property lines. Once the units are owned by individuals, it's out of their control.

Commissioner Coleman asked about the parking situation and would like to know what the public transportation is like in that area is.

Member of the Audience responded stating that the #26 bus stop is between 12th and 13th Streets.

Ms. Boyd also stated that Bay Area Rapid Transit (BART) is a few blocks from this site and hopefully some residents will travel by bike. They also provided the required one parking space per unit which doesn't necessarily mean that each person in every unit will own a vehicle. There is also plenty of street parking as well.

Commissioner Coleman asked which Bay Area Rapid Transit (BART) station is a few blocks away from this site.

Ms. Boyd replied, the West Oakland Bay Area Rapid Transit (BART) station.



Mr. Tarr continued with his response on transportation and parking. He stated that while working on the Iron Horse project a few years ago, he remembers the conditions of approval for the entire entitlement of the Central Station Plan was, increased transit service. He remembers 2 conversations that occurred at that time. One, the more residents that need bus service and the more tax base there is to pay for the bus service will bring more viability for more bus lines serving the residents. Two, there was a debate with the Planning staff on if they should encourage the residents to have more vehicles or build bike lanes and encourage mass transit. On some levels they agree with those goals, but there are also the goals of the policy in place.

Commissioner Myres asked about the design in the handout of the Wood Street Perspective Views and asked if there were corrugated metal on the second story in the middle of the red area around the door. Is it the same as what's showing below?

Ms. Boyd responded yes, they are the same in both areas. They amended the color of the garage to match so it would mesh into the gray instead of adding too many colors.

Chair Pattillo asked if it's true that the Landscape Plan renderings show installation of permeable pavement in the driveways and out to the curb.

Ms. Boyd responded, yes. They've done it before and think it's really beautiful.

Mr. Miller stated that the applicant will need to make the concrete sidewalks continuous through the driveways.

Chair Pattillo asked about page 8 in the conditions of approval, there is a requirement that each unit will have street frontage and a justification of why it was given, which is acceptable. She didn't understand the explanation of why in this case, an exception was given and would like some clarification if possible.

Mr. Brenyah-Addow responded stating that the subdivision regulations state that every legal lot is required to have street frontage on a public street except when the lot is created by means of a shared access facility or easement. In this case, the 3 lots that don't have street frontage, have shared access.

Chair Pattillo asked if it is possible to revise condition of approval 55 to state flat out conversions of garages to living spaces will not be allowed under any circumstances. She shares the common concern about having one car per unit although, parking currently isn't a problem in the area. Once City Ventures is built, the conditions may drastically change. The current conditions of approval states the garages can't be converted without staff's approval.

Mr. Miller explained that in the language, you can stop the sentence after the word "purpose", and delete the words, "without prior review and approval" so the option will not be given.

Chair Pattillo commented to the applicant about her concern about the thin side yards about 3ft. or 3 ½ ft. wide that were created in which she highlighted in yellow on the plan. If the fencing is solid with no transparency at all and 6ft. high basically, you've created rats to race through. She encourages the applicant to carefully study the height and detailing of the fences so, walking through those narrow spaces won't be uncomfortable for residents.



Mr. Brenyah-Addow stated that a Home Owner's Association won't be required to maintain the shared access and maybe the semi-shared walls, even if they are not shared. He suggests a mechanism be put in place that also requires maintenance of all of the landscaping on the entire site.

Vice Chair Moore stated that he doesn't agree with Mr. Brenyah-Addow's suggestions, because these are intended to be individual properties and the owners should maintain their own landscaping. The interesting and appealing thing about mini lots is that it is private property.

Mr. Brenyah-Addow clarified that the mini lot is an integrated form of design. This is why staff applied the setbacks and density to the entire site and not to individual lots. The entire site is treated as a unified whole and each unit is allowed to possess its own land.

Mr. Miller stated that he understands Vice Chair Moore's concerns that these are individual lots and they should be allowed to exist as they are. The very limited key areas where there is a need for coordination across property lines is where the driveways serving lot 8 and homes 4 and 5 cross other properties. Homes 4 and 5 have a shared responsibility to ensure their portion of the driveway is maintained. These are the only 3 resulting lots that would include a shared maintenance approach. It may not be a Home Owner's Association (HOA) because there are other legal entities that will provide the same service. Just as discussed with the 5300 San Pablo Avenue project, there were some different elements there, but was a very similar discussion which may be done with a legal agreement.

Planning Commission Questions, Comments and Concerns:

Commissioner Coleman stated that he was very confused when he reviewed the site and floor plans. He would like to see street names on the site plan, because the floor plans has a north arrow pointing down and the site plan has an arrow pointing up, which is confusing. There is very little correlation between some of the floor plans and elevations concerning windows. He saw areas that showed windows on the elevations and none on the floor plans. He is concerned about fencing on the property line due to the narrow areas which needs further consideration. Sheet A3.3 has a blank façade at unit 3N of the north elevation which makes unit 2 facing a blank wall with a fence dividing the property line.

Mr. Miller explained there is a property line wall. The property line in its current location would likely be precluded by building codes from having openings. A part of the design was to have a zero lot so that the privacy of lot 2 was maintained and they don't have someone looking at them through their window, which is why the outdoor space is preserved for unit 2.

Commissioner Coleman asked if it's within 3ft. of the property line that would need wired glass windows.

Mr. Miller stated that they may be able to add some architectural detail or a different color to provide some relief along the blank façade so that home owners in unit 2 don't have to look at a windowless and blank façade.

Commissioner Bonilla stated that the individual structure and dwellings meets with the general plan and zoning demands and is moving in a positive direction. Unfortunately, Victorian homes can't be built like they used to due to lack of expertise to build them that way, but it's a matter of perspective being in the 21st Century. If you ask 10 or 15 individuals about the signage and architecture and you may receive various different answers. This project fits in with what we are trying to do here which is activate the street scape, bring ownership to the area, to have productive people engaging our community. He is in support of this project.



Chair Pattillo stated that the planting plan is woefully inadequate, and has mixed feelings about it. She knows the developer's work and feels that they will do a great job with the landscaping, but what they've submitted doesn't comply with that. This will be the 4th condition of approval that they are required that they submit a competent landscape plan. For example, reviewing the landscape plan, one can't identify the type of trees, some of the trees shown on the plan list are extremely large and inappropriate for anywhere on this site. Trying to scale it, the trees appear to be spaced about 5 to 6ft. apart which should be 15 to 20ft. apart. She recommends reconsideration of an alternate species to the London plane tree, which is the one species of tree that's grossly out of proportion in use in the City of Oakland. Practically every other tree in the city is a Sycamore which is way overdone. The applicant mentioned that her comment on the shrub species was that they are boring. They are believed to have 3 species of Pittosporum and the way the layout of how they're shown doesn't work. These are some examples of trying to demonstrate that this really is not up to par and would like to include a condition that they be required to submit a landscape plan.

Vice Chair Moore stated that this project is nicely done and he likes the architecture. He remembers this developer built a series of homes on 8th Street that were sensitive to the Victorian design of homes adjacent to it. In this case, their intention to balance from one side to another makes sense and is exactly what the zoning calls for and is appropriate. There were other projects brought before the Planning Commission where less attention was paid to the interaction between the project and neighbors. This project, every entrance addresses a street either directly or shared access makes this a much better project than it may be if it were a 22 unit project.

Commissioner Myres stated that she preferred that this project looked like a Victorian, and understands the concerns of those who would like it to fit in with the neighborhood, but this shouldn't hold up the project.

Chair Pattillo stated that she had 2 more amendments to the conditions of approval that she would like to be included into the motion. She would like for more details of the maintenance plan be worked out with staff. Also, to require the architect to look at elevation shown on A.3.3 with an attempt to articulate it in some way that it's not quite so blank.

Mr. Miller explained that this would be a revision to condition of approval 64 to renew the references to the Home Owner's Association (HOA) and should be rewritten to the effect of, there shall be created a legal maintenance entity for the maintenance and operation of any common driveways on the property that applies to lots 4, 5 and 8.

Commissioner Myres made a motion to approve with amendments to condition of approval 55 and 64, seconded by Commissioner Bonilla.

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



7.	Location: Lake Merritt Station Planning Area is generally bounded by 14 th Street to the north, I-880 to the south, Broadway to the west and 5 th Avenue to the east.
	Proposal: Conduct a public hearing to provide comments on the Final Environmental Impact Report (FEIR), Final Station Area Plan, and associated General Plan amendments, Municipal Code and Planning Code amendments, and Design Guidelines (collectively called "Related Actions").
	Applicant: City of Oakland
	Case File Number: ZS11225, ER110017, GP13268, ZT13269, RZ13270
	General Plan: <u>Land Use and Transportation Element (LUTE) Areas:</u> Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use <u>Estuary Policy Plan Areas:</u> Planned Waterfront Development 1, Mixed Use District
	Zoning: CBD-X, CBD-P, CBD-P/CH, CBD-R, CBD-C, OS-(SU), OS-(LP), OS-(NP), OS-(RCA), S-2, RU-4, RU-5, M-40/S-4
Environmental Determination:	All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Lake Merritt Station Area Plan
	Historic Status: The Plan Area includes cultural/historic resources that include CEQA Historic Resources and may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D by the Oakland Cultural Heritage Survey; and Landmark properties.
	Service Delivery District: Metro, 3
	City Council District: 2, and a small portion of 3
	Status: The RTC/FEIR and Specific Plan was released on July 28, 2014.
	Action to be Taken: Receive public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the Final Station Area Plan and Related Actions.
	For Further Information: Contact Christina Ferracane at 510-238-3903 or cferracane@oaklandnet.com Project website: http://www.business2oakland.com/lakemerrittsap

THIS ITEM WAS HEARD BEFORE ITEM #6

Staff Member Ed Manasse requested that this item be continued to a date certain due to a number of public requests asking for additional time to read the attachments. Optional dates for this item to be rescheduled are: September 24, 2014 or October 8, 2014. The next regularly scheduled meeting after that would be October 15, 2014, but there are a number of initiatives that are also waiting for some determination on this Lake Merritt Station Area Plan so, the soonest date available for this project review is desired.

Commissioner Weinstein announced that September 24, 2014 is date of the Jewish New Year holiday, Rosh Hashanah.



Mr. Manasse stated that he prefers this item be continued to a date certain on the day of a regularly scheduled Planning Commission Meeting or on a Wednesday.

Commissioner Myres asked Mr. Manasse to please repeat the optional dates for this item to be continued.

Mr. Manasse repeated the dates as: September 24, 201, which may not be considered and October 8, 2014. This would be a Special Planning Commission Meeting scheduled between regularly scheduled Planning Commission Meetings.

Speaker: Ronnie Turner.

Mr. Miller explained that the date and time of October 8, 2014 at 6:00 P.M. should be stated in the motion.

Vice Chair Moore made a motion to continue this item until the date certain of October 8, 2014, seconded by Commissioner Coleman.

Action on the matter: Approved, item continued until October 8, 2014 at 6:00 P.M.

Approval of Minutes

Commissioner Coleman made a motion to approve the July 16, 2014 meeting minutes, seconded by Commissioner Myres.

Action on the matter: Approved 7 ayes, 0 noes.

ADJOURNMENT

Meeting adjourned at approximately 8:05 P.M.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT MEETING: September 17, 2014