



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

September 21, 2011
Regular Meeting

ROLL CALL

Present: Colbruno, Huntsman, Pattillo Whales, Zayas-Mart.

Excused: Truong.

Staff: Scott Miller, Mike Rivera, Aubrey Rose, David Valeska, Heather Lee, Cheryl Dunaway

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Scott Miller announced that a vote for Chair Pro Tem is required in the absence of Chair Truong and a Vice Chair. Planning Commission voted unanimously 5 ayes, 0 noes for Commissioner Huntsman to act as Chair Pro Tem at tonight's Planning Commission Meeting. Commissioner Zayas-Mart raised the question that she received from the public inquiring about why the City provides free parking for those who attend the Planning Commission Meetings and not transit passes. They would like to see the City provide incentives for taking public transportation such as free bus or BART passes. Scott Miller responded that the City owns and contracts the parking garage and hence can easily provide free

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.



parking, whereas transit control is under BART or AC Transit jurisdiction.

Agenda Discussion

Item #1 has been removed from consent calendar.

Committee Reports

No Committee reports. Scott Miller announced the September 28, 2011 Design Review Committee Meeting has been rescheduled to be held on October 12, 2011 due to the Rosh Hashanah Holiday. Policies and Procedures Committee Meeting tentatively scheduled for October 19, 2011 to be held before the regularly scheduled Planning Commission Meeting. This meeting may be delayed until November.

OPEN FORUM

Speaker: Elois Thornton

CONSENT CALENDAR

Item #2 remains on the consent calendar, but Staff has allowed the applicant, Russ Taplin to speak.

2.	Location:	2701 High Street
	Assessor' s Parcel Number:	032 -2058-098-00
	Proposal:	To expand a telecommunications facility at a four-story apartment building by replacing three (3) antennas in one of two existing rooftop penthouses, installing three (3) additional antennas there, and replacing two (2) equipment cabinets inside the ground floor.
	Applicant/ Phone Number:	Michelle Weller / Cortel (for: Sprint) (925) 997-1312
	Owner:	Luis Dasilva
	Case File Number:	CMD11-44
	Planning Permits Required:	Major Conditional Use Permit with additional telecommunications findings to expand a telecommunications facility located in a residential zone; Regular Design Review with additional findings
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-4 Mixed Housing Type Residential Zone - 4
	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:	IV
	City Council District:	4
	Date Filed:	July 28, 2011
	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, Planner II at (510) 238-2071 or arose@oaklandnet.com



Commissioner Colbruno made a motion to approve, seconded by Commissioner Zayas-Mart.

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

PUBLIC HEARINGS

1.	<p>Location: Inside EBMUD's Water Reservoir property at the Southeast Intersection of Bullard Dr & Estates Dr (APN: 048C-7188-001-02)</p> <p>Proposal: To install a 55 foot high Monopine tree to contain 3 directional antenna panels, and to install 2 ground-mounted equipment cabinets inside a 6 foot high wooden shelter, located to the north of the water reservoir facility.</p> <p>Contact Person: T-Mobile/ Chris Coones</p> <p>Phone Number: (916) 716-1416</p> <p>Owner: East Bay Municipal Utilities District (EBMUD)</p> <p>Case File Number: CMDV11-049</p> <p>Planning Permits Required: Major Conditional Use Permit to operate a Monopole Telecommunications facility in a residential zone; Regular Design Review to install a Telecommunications Facility; and Minor Variance to exceed the maximum allowed height of 45 foot where 55 foot high is proposed</p> <p>General Plan: Hillside Residential</p> <p>Zoning: RH-4 Hillside Residential Zone</p> <p>Environmental Determination: 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</p> <p>Historic Status: (PDHP) Potential Designated Historic Property Survey Rating: Db +3</p> <p>Service Delivery District: 2</p> <p>City Council District: 4</p> <p>Date Filed: March 21, 2011(revised plans submitted on 08/30/11)</p> <p>Action to be Taken: Decision based on staff report</p> <p>Finality of Decision: Appealable to City Council within 10 days</p> <p>For Further Information: Contact Case Planner Mike Rivera at (510) 238-6417, or by email at mriviera@oaklandnet.com</p>
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Commissioner Pattillo recused herself from hearing this item.

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

Applicant: Chris Coones gave a presentation and answered questions asked by the Planning Commission. Planning Commission also asked staff questions in which Scott Miller and Heather Lee responded.

Speakers: Matt Scoble, James Hallock, John Rubin, Lauren Kahn, Tracy Fitzgerald, Scott Law, Ellen Ansel, Robert Ansel, Beth Goldberg, Laura Thomas, Maryrose Dunton, Roseann Carrigan.



Planning Commission Comments: Planning Commission raised the concerns about the proposed monopine being moved from one location to another which will raise the same concerns about blight issues but, from different neighbors. Planning Commission wanted to hear from T-Mobile to find out if it is absolutely necessary to have the proposed monopine installed at this site location. Some of the Planning Commissioners may be willing to support this project as long as the monopine looks more like a real pine tree rather than a cellphone tower like the existing pole.

Planning Commission also raised questions inquiring if the applicant offered the possibility of choosing another site location to install the proposed monopine where there are little to no residents living in the area and did T-Mobile consult with the residents in the area to discuss an alternate site location to install the proposed monopine.

According to the applicant, there were no viable alternate site locations.

Commissioner Zayas-Mart made a motion to approve with the conditions that the applicant add fast growing, robust and complimentary 36 box tree to camouflage the monopine at the wider gap and 24 box tree to camouflage the narrow gap to camouflage the first 30ft., seconded by Commissioner Whales.

Action on the matter: Approved 3 ayes, 1 no (Colbruno).

3.	Location:	3211-3219 Lakeshore Avenue (APN 011-0838-024-00)
	Proposal:	Allow an Adult Entertainment Activity (Retail Sales)
Contact Person/Phone Number:		Barnaby Ltd. (415)974-8985
	Owner:	Terry Gardner
	Case File Number:	CMV10-142
	Planning Permits Required:	Major Conditional Use Permit for Adult Entertainment Activity (merchandise and educational/health workshops) and Major Variance for Location within 1000 Feet of a Residential Zone
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-1 Neighborhood Commercial Zoning District
Environmental Determination:		Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301
	Historic Status:	D2+ Potential Designated Historic Property, Area of Secondary Interest Contributor, Minor Importance; LS2 Lakeshore Avenue Commercial District
	Service Delivery District:	3
	City Council District:	2
	Staff Recommendation:	Decision based on Staff Report
	Finality of Action:	Appealable to City Council within 10 days
For Further Information:		Contact David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

Staff Member David Valeska gave a presentation and answered questions asked by the Planning Commission. Scott Miller assisted with answering questions asked by the Planning Commission.

Applicant: Jackie Strong gave a presentation and answered questions asked by the Planning Commission.

Speakers: Joani Blank, Susan Lehman, Kathy Rueger, Tao Matthews, Elizabeth Bialek,



Ken Prat, Teresa Lee, LeNenna Joiner.

Planning Commission Comments: Concerns about the proposed operating hours being 7 days a week, how many staff members will there be, how many offices are there, etc.

Planning Commission stated that they would like for the storefront display to be very positive without any adult content displayed in the windows.

Planning Commission expressed various positive reasons for supporting this proposed project.

Commissioner Pattillo made a motion to approve, seconded by Chair ProTem Colbruno. Action on the matter: Approved 5 ayes, 0 noes.

APPEALS

4.	Location:	1101-58 th Avenue
	Assessor' s Parcel Number:	041 -3892-062-02
	Proposal:	To appeal the Zoning Manager' s decision to deny an application. The application requested Zoning approvals to convert a vacant lot located in a residential neighborhood for use as a rear driveway to a warehouse property (1100-57 th Avenue) located in an abutting industrial district. (Appeal of CDV09310 denied February 28, 2011)
	Appellant/	Martin Johnson
	Phone Number:	(510) 913-6126
	Owner:	Martin Johnson
	Case File Number:	A11-41 (Appeal of CDV08-310 denied February 28, 2011)
	Planning Permits Required:	Minor Conditional Use Permit to extend a use (industrial) into an adjacent zone (residential); Regular Design Review for construction (fence); Minor Variances (2) for driveway separations of 10-feet where 25-feet is required, both sides
	General Plan:	Detached Unit Residential* <i>*General Industrial/Transportation at time application was submitted and deemed complete December 3, 2008</i>
	Zoning:	RD-2 Detached Unit Residential Zone * (front)/ IG General Industrial Zone + S-19 Health and Safety Protection Overlay Zone (rear) <i>* R-50 Medium Density Residential Zone at time of Appeal submittal</i>
	Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved
	Historic Status:	No record (vacant lot)
	Service Delivery District:	V
	City Council District:	6
	Date Filed:	March 10, 2011
	Action to be Taken:	Deny the Appeal and uphold the Zoning Manager' s decision to deny the application
	Finality of Decision:	Final. Not administratively appealable.
	For Further Information:	Contact case planner Aubrey Rose, Planner II at (510) 238-2071 or arose@oaklandnet.com



Staff Member Aubrey Rose gave a presentation.

Appellant: Martin Johnson presented his reasons why his application should be approved and answered questions asked by the Planning Commission.

Speaker: Malia Sanchez.

Planning Commission Comments: Planning Commission expressed various reasons why they do not support this proposed project.

Commissioner Zayas-Mart made a motion to deny, seconded by Commissioner Pattillo.
Action on the matter: Denied 5 noes, 0 ayes.

Approval of Minutes

Commissioner Pattillo recommended some corrections be made on pages 3 and 5 of the August 3, 2011 minutes concerning Commissioner Colbruno made a motion on item #3 but, there was no reason given on why the motion was made. Commissioner Pattillo recommended conditions of approval on item #5 that were not reflected concerning the landscape of planters considering the path of travel and the feasibility of possibly adding street trees.
Commissioner Colbruno made a motion to approve with corrections to be made on pages 3 and 5, seconded by Commissioner Pattillo.
Action on the matter: Approved 3 ayes, 2 abstentions.

ADJOURNMENT

Meeting adjourned at approximately 9:15 P.M.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: October 5, 2011