



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

October 20, 2010
Regular Meeting

ROLL CALL

Present: Boxer, Truong, Colbruno, Galvez, Huntsman, Zayas-Mart

Excused: Gibbs

Staff: Scott Miller, David Valeska, Catherine Payne, Kiran Jain, Cheryl Dunaway

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Item #s 4 and 8 were removed from the agenda.
Item #1 was removed from the consent calendar.

OPEN FORUM

Speaker: Sanjiv Handa

CONSENT CALENDAR

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.



2. **Location:** **8411 MacArthur Boulevard (APN 043-4622-001-02) (8-11-10)**
 Proposal: To install three (3) new dish antenna and three (3) new panel antennas on the roof top of an existing building (church). The macro-telecommunication facility will include eight (8) previously existing building mounted antennas and a new ground level equipment cabinet.
- Applicant:** Jacqueline Smart / Clearwire
Contact Person/Phone Number: (510)435-9849
 Owner: Center of Hope Community Church
 Case File Number: **CMD10-217**
 Planning Permits Required: Major Conditional Use Permit and Regular Design Review for macro-telecommunication facilities in a residential zone.
- General Plan:** Urban Residential
 Zoning: R-50
Environmental Determination: Exempt, Section 15301 of the State of CEQA Guidelines; existing facilities.
- Historic Status:** PDHP, post-1945 or modernized, potential secondary importance; rating, *c3
Service Delivery District: 6
City Council District: 7
 Status: pending
 Action to be Taken: Based on staff report
 Finality of Decision: Appealable to the City Council within 10 days
 For Further Information: Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com

SEE ITEM #5 BELOW.

3. **Location:** **1715 High Street (APN 035-2352-013-00) (8/12/10)**
 Proposal: To establish new Macro-telecom facilities (6 dish and panel antenna) on the roof top of an existing building, and associated equipment.
- Applicant:** Michelle Weller /Clearwire
Contact Person/Phone Number: (925)997-1312
 Owner: Paul W. Wang
 Case File Number: **CMDV10-221**
 Planning Permits Required: Major Conditional Use Permit and Regular Design Review for Macro-telecommunication facility in a residential zone and Minor Variance for location (at height) of facilities on the roof top.
- General Plan:** Urban Residential
 Zoning: R-40, Garden Apartment Zone Regulations
Environmental Determination: 15301, Existing Facilities
 Historic Status: Not a Historic property; rating, X
Service Delivery District: 5
City Council District: 5
 Status: Pending
 Action to be Taken: Decision based of staff recommendation
 Finality of Decision: Appealable to the City Council within 10 days
 For Further Information: Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com

SEE ITEM #5 BELOW.



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

4.	Location:	Public right-of-way (existing utility pole in sidewalk) adjacent to 3100 Coolidge Avenue along Nicol Avenue Adjacent to (APN 027-0861-038-00)
	Proposal:	To attach 2 panel antennas and various related equipment to an existing wooden utility pole for wireless telecommunications purposes. The pole measures 38'-8" in height and contains electrical wires at 32'- and 1 street light at 26'-10". The antennas would top out at 48'-10" and related equipment would be attached at a minimum of 8'-6" in height.
	Applicant/	Dayna Aguirre (for: T-Mobile)
	Phone Number:	(925) 784-7888
	Owner:	City of Oakland
		(Owner of 3100 Coolidge Ave.: Randy and Janet Lam)
	Case File Number:	DR10-240
	Planning Permits Required:	"Major" Design Review for Wireless Telecommunications Facility in a Residential Zone referred to the Planning Commission by the Zoning Manager (OMC Sec. 17.24.040, 17.136.040(C)(1))
	General Plan:	Mixed Housing Type Residential
	Zoning:	R-50 Medium Density Residential Zone
	Environmental Determination:	Exempt, Section 15301(b) of the State CEQA Guidelines: Existing Facilities (Existing facilities of investor-owned utilities used to provide public utility services); Section 15138 of the State CEQA Guidelines: Project consistent with a Community Plan, General Plan or Zoning
	Historic Status:	No historic rating (3100 Coolidge Ave.: not a Potential Designated Historic Property; Survey rating: X)
	Service Delivery District:	IV—San Antonio/Fruitvale
	City Council District:	5—De La Fuente
	Date Filed:	August 30, 2010
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to the City Council within 10 days
	For Further Information:	Contact case planner Aubrey Rose, Planner II at (510) 238-2071 or arose@oaklandnet.com



5.	Location:	10850 MacArthur Boulevard (APN 047-5584-009-03)
	Proposal:	To install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one enclosed equipment cabinet at a site with 15 existing antennas for a total of 18 telecommunication antennas.
	Applicant:	Clearwire, Misako Hill of Cortel, LLC
	Contact Person/Phone Number:	Misako Hill /(415)533-2540
	Owner:	Humanistic Alt. to Addition Res. & Treatment Inc.
	Case File Number:	CMD10-180
	Planning Permits Required:	Regular Design Review to install three (3) telecommunication antennas, three (3) internet services exchange point dishes, and one enclosed equipment cabinet. Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.
	General Plan:	Community Commercial
	Zoning:	C-20 Shopping Center Commercial Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Not a Potential Designated Historic Property; Survey Rating: X
	Service Delivery District:	6
	City Council District:	7
	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 Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Item #s 2, 3, 5 moved on consent. Motion given by Commissioner Huntsman to move items on consent, seconded by Commissioner Galvez. Action on the matter: Approved 6 ayes, 0 noes

PUBLIC HEARINGS

1.	Location:	1001 Warfield Avenue (APN 011 -0856-015-00)
	Proposal:	Request for a Major Conditional Use Permit for a co-location of a new unmanned wireless telecommunication facility (macro) and Regular Design Review to install (3) panel antennas and (3) microwave antennas mounted inside a new fully enclosed FRP antenna screen located along the rooftop and 1 equipment cabinet located inside an existing equipment shelter.
	Applicant:	Clearwire / Michelle Weller
	Contact Person/ Phone Number:	Michelle Weller (925) 997-1312
	Owner:	Estobinal Family Partnership
	Case File Number:	CMD10-166
	Planning Permits Required:	Major Conditional Use Permit to install a new wireless telecommunication macro facility within a residential zone and Regular Design Review to install (6) antennas inside a new FRP screen enclosure at the rooftop and (1) equipment cabinet inside an existing ground floor equipment shelter.
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General Plan:	Mixed Housing Type
Zoning:	R-40 Garden Apartment Residential Zone
Environmental Determination:	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.
Historic Status:	Not Potential Designated Historic Property (PDHP); Survey rating: X
Service Delivery District:	3
City Council District:	II
Date Filed:	6/22/10
Finality of Decision:	Appealable to the City Council within 10 days
For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

Scott Miller gave a presentation and answered questions asked by the Planning Commission.

Speakers: David Rasnick, Robert Tindall, Barbara Mowry, Katherine Smith.

Motion given by Commissioner Truong to approve, seconded by Commissioner Huntsman.

Action on the matter: Approved 6 ayes, 0 noes.

6.	Location:	Citywide
	Proposal:	Planning Code Amendment to include Temporary Conditional Use Permit regulations
	Project Sponsor:	Planning Commission
	Owner(s):	NA
	Case File Number(s):	ZT100007
	Planning Permits Required:	Planning Code Amendment
	General Plan:	All
	Zoning:	All
	Environmental Determination:	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the FEIR for the 1998 Amendment to the Historic Preservation Element of the General Plan; the Housing Element Update Initial Study/Mitigated Negative Declaration (2004); and CEQA Guidelines Section 15183, "Projects Consistent with a Community Plan, General Plan or Zoning"
	Historic Status:	All, including Areas of Primary Importance (APIs), Areas of Secondary Importance (ASIs), landmark properties, and other historically rated properties.
	Service Delivery District:	All
	City Council District:	All
	Status:	Proposal forwarded to Planning Commission without ZUC recommendation; Item continued by the Planning Commission from September 1, 2010 to October 2010 Planning Commission agenda.
	Action to be Taken:	Consider recommendation to City Council.
	Finality of Decision:	Decision by City Council.
	For further information:	Contact Catherine Payne at 510-238-6168 or by e-mail at cpayne@oaklandnet.com

Staff Member Catherine Payne gave a presentation and answered questions asked by the Planning Commission.

Speakers: Naomi Schiff, Echa Schneider, Daniel Schulman, Carlos Plazola, Nicolaos Theophanous, Sanjiv Handa, Henry Chan.



Planning Commission expressed concerns about the best use of the City's vacant lots, more restrictions and strict time limits for Temporary Conditional Use Permit regulations, strict guidelines on property owners who leave their lots vacant.

Planning Commission members also expressed opposition to this proposal and may be unable to come to a consensus of supporting a recommendation of approval.

Motion given by Commissioner Galvez to grant a continuance, seconded by Commissioner Huntsman. Action on the matter: 6 ayes, 0 noes. Continuance granted until the January 19, 2011 Planning Commission Meeting.

7.	Location:	685 32nd Street (APN 009-0714-038-00)
	Proposal:	Service Enriched Permanent Housing, for up to 18 residents, including 6 adults and up to 12 children
	Contact Person/Phone Number:	Tracy Creer (415-203-8493)
	Owner:	Ola M. VanZant
	Case File Number:	CM10-145
	Planning Permits Required:	Major Conditional Use Permit for Service Enriched Permanent Housing, in an existing 3-dwelling building on a 4,900 square foot lot
	General Plan:	Mixed Housing Type Residential
	Zoning:	R-36 Small Lot Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Modification of small structures Additional citation: Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	Historic Status:	Not Designated Historic Property/City Landmark (No substantial exterior alterations proposed).
	Service Delivery District:	1
	City Council District:	3
	Status:	This item was continued from the September 15, 2010 Planning Commission Meeting
	Finality of Decision:	Appealable to the City Council within 10 days
	For Further Information:	Contact David Valeska at (510) 238-2075 or dvalueska@oaklandnet.com

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

Applicant: Tracy Creer gave a presentation.

Speakers: Tao Matthews, Frederick Hormann, Erica Jenkins, Brian Gibson, Gonti Newton, Alternier Cook, Sanjiv Handa.

Planning Commission commented on why they support this project.

Motion given by Commissioner Huntsman to approve, seconded by Commissioner Truong.

Action on the matter: Approved 6 ayes, 0 noes.



PLEASE NOTE: ITEM #8 BELOW HAS BEEN REMOVED FROM THIS AGENDA.

8.	Location:	4514 Telegraph Avenue (APN 013-1150-014-00)
	Proposal:	Expand and revise location of existing fast-food restaurant including drive-through lane and parking on Telegraph Avenue at 45th Street
	Contact Person/Phone Number:	Gary Semling—(707)765-1660
	Owner:	Franchise Realty Interstate Co.
	Case File Number:	REV10-018
	Planning Permits Required:	Revision to approved Major Conditional Use Permits CM77-175 and CM90-483 and Regular Design Review for existing one-story 3,028 square-foot McDonalds fast-food restaurant including drive-through lane and 44 parking spaces (where 6 spaces were required), for 3,920 square-foot 74-seat 19-foot tall brick and stucco building (792 added square feet of building), 21 parking spaces, on a 31,416 square foot (0.7-acre) site; and a request for 24-hour operation where presently permitted hours are 5 am to 11 pm; and reconfiguration of signs
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	C-28 Commercial Shopping District Zoning District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15302 (Replacement or Reconstruction)
	Historic Status:	Not Potential Designated Historic Property
	Service Delivery District:	2
	City Council District:	1
	For Further Information:	Contact David Valeska at (510) 238-2075 or dvalueska@oaklandnet.com

APPEALS

There are no appeals on this agenda

Approval of Minutes:

None

City Council Actions

Scott Miller announced the City Council' s confirmation of Commissioners Huntsman and Galvez. Concerning 3333 Telegraph Avenue Day Reporting Center, the appeal was withdrawn due to community satisfaction with the resolution to their concerns raised after a series of follow up meetings with the Mayor' s office, the applicant and the neighborhood.

ADJOURNMENT

Meeting adjourned at approximately 9:00 P.M.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division