



# Oakland City Planning Commission

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

**MINUTES**  
**February 17, 2010**  
**Regular Meeting**

## **ROLL CALL**

**Present:** Huntsman, Boxer, Colbruno, Gibbs, Truong

**Excused:** Galvez, Zayas-Mart

**Staff:** Scott Miller, Heather Klein, Ulla-Britt Jonsson,  
Aubrey Rose, Dave Valeska, Bruce Williams,  
Heather Lee

## **WELCOME BY THE CHAIR**

## **COMMISSION BUSINESS**

### **Agenda Discussion**

Item No. 5 was moved to the end of the agenda and Items No. 2 and 3 were removed from the Consent Agenda.

### **Director's Report**

Bentley School Update - Heather Klein provided an update of the conditions of approval for the recently approved expansion. Additional review and action by the Commission on a condition of approval will be presented at an upcoming meeting.

### **Committee Reports**

Today's Zoning Update Committee meeting discussing a proposal to create Temporary Conditional Use Permit regulations was continued to a future (undetermined) meeting.

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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.



**OPEN FORUM**

**Speakers:** Echa Schneider, Max Allstadt, Sanjiv Handa

**CONSENT CALENDAR**

The Commission will take a single roll call vote on all of the items listed below in this section. The vote will be on approval of the staff report in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

|    |   |
|----|---|
| 1. | <p><b>Location:</b> 1305 Everett Avenue (APN: 024 -0544-001-00)</p> <p><b>Proposal:</b> Request for a Major Conditional Use Permit for a new wireless telecommunication facility (mini) and Regular Design Review to install (5) antennas on the parapet wall on the roof of a residential building.</p> <p><b>Applicant:</b> Clearwire Corp.</p> <p><b>Contact Person/ Phone Number:</b> Michelle Weller (925) 997-1312</p> <p><b>Owner:</b> Abe Naiditch</p> <p><b>Case File Number:</b> CMD09-219</p> <p><b>Planning Permits Required:</b> Conditional Use Permit to install a new wireless telecommunication mini facility and Regular Design Review to install (3) panel antennas, (2) microwave antennas and including a new enclosed equipment cabinet located inside a detached garage.</p> <p><b>General Plan:</b> Detached Unit Residential</p> <p><b>Zoning:</b> R-50 Medium Density Residential Zone</p> <p><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.</p> <p><b>Historic Status:</b> Not Potential Designated Historic Property (PDHP); Survey rating: X</p> <p><b>Service Delivery District:</b> 3</p> <p><b>City Council District:</b> V</p> <p><b>Date Filed:</b> 10/19/09</p> <p><b>Status:</b> This item was on the January 20, 3010, agenda and was continued to February 17<sup>th</sup> at the request of the Council office.</p> <p><b>Finality of Decision:</b> Appealable to City Council</p> <p><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></p> |
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Motion by Colbruno, seconded by Boxer

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

**ITEMS NO. 2 AND 3 WERE REMOVED FROM THE CONSENT AGENDA AND ARE BELOW UNDER PUBLIC HEARINGS**



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| 4. | <p><b>Location:</b> 10970 International Boulevard (APN: 047-5596-004-00)</p> <p><b>Proposal:</b> Installation of a wireless facility consisting; one equipment cabinet, located within existing enclosed facility at the ground floor, three microwave antennas, and three panel antennas at approximately 78' high attached to an existing food mart water tank structure with 33 existing antennas for a total of 39 telecommunication antennas.</p> <p><b>Applicant:</b> Cortel c/o Clearwire</p> <p><b>Contact Person/Phone Number:</b> Michelle Weller (925)997-1312</p> <p><b>Owner:</b> Bay Area Commercial, Inc.</p> <p><b>Case File Number:</b> CMD09-278</p> <p><b>Planning Permits Required:</b> Regular Design Review to install 3 microwave antennas, 3 panels telecommunication antennas and one equipment cabinet to be located within existing enclosed facility.<br/>Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.</p> <p><b>General Plan:</b> Community Commercial</p> <p><b>Zoning:</b> C-40 Community Thoroughfare Commercial Zone.<br/>S-4 Design Review Combining Zone.</p> <p><b>Environmental Determination:</b> Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.<br/>Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.</p> <p><b>Historic Status:</b> Not a Potential Designated Historic Property; Survey Rating: N/A</p> <p><b>Service Delivery District:</b> 6</p> <p><b>City Council District:</b> 7</p> <p><b>Status:</b> Pending</p> <p><b>Action to be Taken:</b> Decision of Application</p> <p><b>Finality of Decision:</b> Appealable to City Council</p> <p><b>For Further Information:</b> Contact case planner Jason Madani at (510) 238-4790 or by email: jsmadani@oaklandnet.com</p> |
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Motion by Colbruno, seconded by Boxer.

Action on the matter: Approved 5 ayes, 0 noes

**PUBLIC HEARINGS**

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|----|---|
| 2. | <p><b>Location:</b> 3700 Dorisa Avenue</p> <p><b>Assessors Parcel Numbers:</b> (043A -4675-005-13)</p> <p><b>Proposal:</b> Request for a Major Conditional Use Permit for a co-location of a new wireless telecommunication facility (mini) and Regular Design Review to install (1) internet exchange point, (3) panel antennas and (1) enclosed equipment cabinet on northern most down slope of St. Paschal Church.</p> <p><b>Applicant:</b> Cortel Corp.</p> <p><b>Contact Person/ Phone Number:</b> Michelle Weller (925) 997-1312</p> <p><b>Owner:</b> Roman Catholic Bishop of Oakland</p> <p><b>Case File Number:</b> CMD09-269</p> |
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**Planning Permits Required:** Conditional Use Permit to install a new wireless telecommunication mini facility and Regular Design Review to install (3) panel antennas, (1) internet exchange point and including a new enclosed equipment cabinet.

**General Plan:** Hillside Residential

**Zoning:** R-30 One Family 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:** 6

**City Council District:** VII

**Date Filed:** 12/10/09

**Finality of Decision:** Appealable to City Council

**For Further Information:** Contact case planner **Jose M. Herrera-Preza** at (510) 238-3808 or [jherrera@oaklandnet.com](mailto:jherrera@oaklandnet.com)

Commissioner Colbruno pulled this item from Consent to discuss the location and screening of the equipment cabinet for this telecom installation. Applicant Michelle Weller addressed questions and concerns and agreed to re-address the specific material and landscape treatment of the screening.

Motion by Commissioner Boxer, seconded by Truong with the addition of a condition requiring more landscape screening for the equipment.

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

3. **Location:** 1001 42<sup>nd</sup> Street (APN: 012-1023-001-01)

**Proposal:** Establish a new Mini-telecom facility with 9 antennas located within a decorative screen on the roof of an industrial building.

**Applicant/Phone Number:** Charnel James (925) 244-1890

**Owner:** 1001 42<sup>nd</sup> Street LLC

**Case File Number:** CMD09-205

**Planning Permits Required:** Major Conditional Use Permit for a Telecommunications Facility within three hundred (300) feet of the boundary of an R-40 residential zone, Regular Design Review permit for a Mini Telecom Facility.

**General Plan:** Housing and Business Mix

**Zoning:** HBX-2, Housing and Business Mix Commercial Zone

**Environmental Determination:** Exempt, Section 15301(k) of the State CEQA Guidelines: Minor Alteration to an Existing Facility; Section 15183 of the State CEQA Guidelines: projects consistent with a community plan, general plan, or zoning.

**Historic Status:** Potential Designated Historic Property (PDHP); Minor Importance, Potentially Secondary Importance or Superior, Survey Rating Dc3

**Service Delivery District:** 2

**City Council District:** 1

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**Action to be Taken:** Decision on application based on staff report  
**Finality of Decision:** Appealable to City Council  
**For Further Information:** Contact case planner **Ulla-Britt Jonsson** at **510-238-3322** or by email at [ujonsson@oaklandnet.com](mailto:ujonsson@oaklandnet.com)

Ulla-Britt Jonsson provided a staff presentation. Applicant Charnel James provided a presentation and answered questions.

Speakers: Julene Freitas, Kathy Stinus, Jen Schradie, Michael Bertorelli, Cynthia Carpenter, Vertis Whitaker, Jason Jed, Dr. Terese Gjernes, Steven Korovesis, Sanjiv Handa

After significant Commission discussion, motion was made by Boxer, seconded by Huntsman.

Action on the matter: Approved 5 ayes, 0 noes

5. **Location:** Citywide between San Leandro & Berkeley, primarily along International Boulevard and Telegraph Avenue  
**Proposal:** Discussion and Recommendation on the proposed East Bay Bus Rapid Transit (BRT) project, including direction on a Locally Preferred Alternative (LPA) for route and stations.  
**Applicant:** City of Oakland/CEDA/Transportation Services Division  
**Planning Permits Required:** None  
**General Plan:** Various Commercial and Mixed-Use designations  
**Zoning:** Various Districts  
**Environmental Determination:** AC Transit is the Lead Agency for Environmental Review; The City of Oakland is a Responsible Agency and will be participating in the EIR/EIS process;  
**Action to be taken:** Hold Public Hearing and discuss plans and recommendations for the proposed BRT project through Oakland. Provide a Recommendation on the BRT and specifically the LPA to the City Council;  
**For Further Information** Contact **Bruce Williams** at **(510) 238-7229** or [bwilliams@oaklandnet.com](mailto:bwilliams@oaklandnet.com)

Commissioner Colbruno recused himself from this discussion. Bruce Williams from the Transportation Services staff made a brief presentation and introduced Bonnie Nelson, transportation consultant, who made a presentation and addressed issues raised at the February 3<sup>rd</sup> Commission meeting.

Speakers: Jonathon Bair, John Gatewood, Jane Kramer, Stuart Flashman, Hans Boerner, Andrew Charman, Carlos Castellanos, Echa Schneider, Robert Brokl, Alfrerd Crofts, Rebecca Saltzman, Donald Lowrey, Roy Alper, Joel Ramos, Dahn Van Laarz, Sanjiv Handa

Extensive discussion ensued among Commissioners, with questions answered by Ms. Nelson and Mr. Williams. Consensus was expressed for the concept of further study of the BRT in general and the preferred alternative put forth by staff. Considerable comments were made by the Commission on a variety of issues, among them potential impacts from loss of parking in business districts, potential impacts to accessibility for the elderly and handicapped travelers, environmental issues and an alternative to instead improve existing bus service.

No formal vote was taken. Consensus to pass this to the next stage was expressed.

6. **Location:** 2417 M L King Jr Way (APN 008-0677-001-00)



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|-------------------------------------|---|
| <b>Proposal:</b>                    | To rebuild the minipark at 25 <sup>th</sup> & M L King Jr. Park   |
| <b>Applicant:</b>                   | City of Oakland—Recreation & Parks  |
| <b>Owners:</b>                      | City of Oakland   |
| <b>Contact Person/Phone Number:</b> | Sandra Ousley, CEDA<br>(510) 238-7213   |
| <b>Case File Number:</b>            | <b>CU09-050</b>   |
| <b>Planning Permits Required:</b>   | Major Conditional Use Permit and Small Project Design Review to allow rebuilding of an existing minipark with natural or artificial turf replacing paved area, over subsurface drainage areas, installing childrens’ play equipment, fencing, gates, ADA handicap-accessible concrete paths, trees, drinking fountain, signage, area lights; retaining other features such as cultural murals, on approximately 1/4 acre 25 <sup>th</sup> & M L King Jr. Park |
| <b>General Plan:</b>                | U R (Urban Residential)   |
| <b>Zoning:</b>                      | OS-AMP Open Space-Active Mini-Park District   |
| <b>Environmental Determination:</b> | Exempt, Section 15301 of the State CEQA Guidelines; Modification of Existing Facilities, Section 15304, Minor Alterations to Land; Section 15330, Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances; and Section 15183, Projects consistent with a general plan, community plan, or zoning  |
| <b>Historic Status:</b>             | Not PDHP/not historic   |
| <b>Service Delivery District:</b>   | 1   |
| <b>City Council District:</b>       | CD3   |
| <b>Staff Recommendation:</b>        | Approve   |
| <b>Finality of Action:</b>          | Appealable to City Council  |
| <b>For further information:</b>     | Contact case planner <b>David Valeska</b> , at <b>(510) 238-2075</b> or <b>dvalueska@oaklandnet.com</b>   |

Dave Valeska gave staff presentation. Sandra Ousley from the Parks and Recreation staff answered questions.

Speaker: Max Allstadt

Motion to approve by Gibbs, seconded by Truong.

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



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| 7. | <b>Location:</b>                    | <b>2000 MacArthur Boulevard (APN: 029A-1301-022-00)</b>  |
|    | <b>Proposal:</b>                    | To establish a 2,146 square-foot restaurant (“Bay Laurel Restaurant”).<br>The restaurant would serve beer & wine and close no later than 10:00pm.  |
|    | <b>Applicant /</b>                  | Lydia Walker   |
|    | <b>Phone Number:</b>                | (510) 336-2296   |
|    | <b>Owner:</b>                       | Phillip Bell Family Trust  |
|    | <b>Case File Number:</b>            | <b>CM10-009</b>  |
|    | <b>Planning Permits Required:</b>   | Major Conditional Use Permit with special findings to allow sale of alcoholic beverages at a Full-Service Restaurant located on a Restricted Street (OMC Sec. 17.102.210(B)(2), 17.134.020(A)(2)(a)(viii));<br>Minor Conditional Use Permits (2) with special findings to allow Full-Service Restaurant Commercial and Custom Manufacturing (food preparation for catering) Activities in the C-31 Zone (OMC Sec. 17.48.040(C) & 100, 17.48.040(D), 17.134.020(B)) |
|    | <b>General Plan:</b>                | Neighborhood Center Mixed Use  |
|    | <b>Zoning:</b>                      | C-31 Special Retail Commercial Zone  |
|    | <b>Environmental Determination:</b> | Exempt, Section 15301 of the State CEQA Guidelines:<br>Existing Facilities;<br>Section 15183 of the State CEQA Guidelines:<br>Projects Consistent with a Community Plan, General Plan, or Zoning   |
|    | <b>Historic Status:</b>             | Non-Historic Property; No survey rating  |
|    | <b>Service Delivery District:</b>   | III – Central /Chinatown / Lower Hills   |
|    | <b>City Council District:</b>       | 4- Quan  |
|    | <b>Date Filed:</b>                  | January 11, 2010   |
|    | <b>Action to be Taken:</b>          | Decision based on staff report   |
|    | <b>Finality of Decision:</b>        | <i>Appealable to City Council</i>  |
|    | <b>For Further Information:</b>     | Contact case planner <b>Aubrey Rose, Planner II</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>  |

Commissioner Colbruno recused himself on this item. Aubrey Rose gave staff presentation.

No speaker.

Motion to approve by Boxer, seconded by Gibbs.

Action on the matter: Approved 4 ayes, 0 noes

**APPEALS**

(There are no appeals on this agenda)

**COMMISSION BUSINESS**

**Approval of Minutes:** January 20, 2010 Commissioner Truong raised a question about the discussion of the Estuary Specific Plan. Action on these minutes was deferred to March 3<sup>rd</sup>.



**ADJOURNMENT** The meeting was adjourned at approximately 9:15 p.m..

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

***NEXT REGULAR MEETING:*** March 3, 2010