



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

March 17, 2010
Regular Meeting

ROLL CALL

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

Staff: Scott Miller, Michael Bradley, Heather Lee

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Committee Reports

Commissioner Boxer gave a summary of the Zoning Update Committee discussion on the downtown view corridor proposal; Mr. Miller reminded the Commission of the March 24th joint DRC/LPAB meeting to discuss historic design and materials;

Commission Matters

Commissioner Colbruno asked to be kept informed on any changes to the Dorisa Avenue telecom proposal that was heard on the Feb. 17th Commission agenda; Commissioner Zayas-Mart asked for a brief summary of budget impacts to the Planning staff, which Mr. Miller provided.

OPEN FORUM

Speaker: Sanjiv Handa

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.



CONSENT CALENDAR

1. **Location:** 6869 Sunkist Drive, (APN: 040A-3427-002-01)
Proposal: To install 3 concealed telecommunication panel antennas, one microwave internet dish, and an equipment cabinet.
Applicant: T-Mobile
Contact Person/Phone Number: Steve Christenson (530)368-0730
Owner: Samoan Congregational United Church Christ Community
Case File Number: CMD09-148
Planning Permits Required: Regular Design Review to install 3 concealed telecommunication panel antennas, one microwave internet dish, and an equipment cabinet area.
Major Conditional Use Permit for the installation of a Mini telecommunication facility within 100 feet of a residential zone.
General Plan: Detached Unit Residential
Zoning: R-30 One-Family Residential 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: 5
City Council District: 6
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

See Action following Item #2

2. **Location:** 2112 Fruitvale Avenue
Assessors Parcel Numbers: (027 -0837-009-01)
Proposal: Request for a Major Conditional Use Permit for a co-location of a new wireless telecommunication facility (macro) and Regular Design Review to install (4) microwave antennas, (3) panel antennas and (1) enclosed equipment cabinet on the roof of the AT&T Utility Building.
Applicant: Clearwire Corp.
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Contact Person/ Phone Number: Michelle Weller (925) 997-1312
Owner: P T & T Co.
Case File Number: CMD09-279



Planning Permits Required:	Conditional Use Permit to install a new wireless telecommunication mini facility and Regular Design Review to install (3) panel antennas, (4) microwave antennas and a new enclosed equipment cabinet.
General Plan:	Mixed Housing Type Residential
Zoning:	C-30 District Thoroughfare Commercial 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:	4
City Council District:	5
Date Filed:	12/17/09
Finality of Decision:	Appealable to City Council within 10 day
For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

Items #1 and #2 were reviewed simultaneously under the Consent Calendar. There was no discussion.

Motion to approve both Items #1 and #2 Colbruno, seconded Boxer.

Action on the matters: Approved 7 ayes, 0 noes;

PUBLIC HEARINGS

(There are no Public Hearings on this Agenda)

APPEALS

3.	Location: 3261 Lakeshore Avenue, (APN: 011-0838-018-00)
	Proposal: Appeal of the Zoning Administrator's approval of an application for a new frozen yogurt shop (Limited Service Restaurant and Café)
	Original Applicant / Contact: Issac Kim, Edinburg Design / (510)872-9981
	Appellant / Contact: Steve Cheung (owner/operator of Yogurt Deluxe) / (510)798-5589
	Property Owner: North Bank of CA Trust
	Case File Number: A10-035
	Original Case File Number: CU09-237
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Planning Permits Required: Minor Conditional Use Permit to establish a Limited Service Restaurant and Café Commercial Activity on the ground floor in the S-9 Zone

General Plan: Neighborhood Center Mixed Use

Zoning: C-20 Shopping Center Commercial Zone

S-9 Retail Frontage Combining Zone

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures.

Section 15321 (a) of the State CEQA Guidelines; actions by regulatory agencies to enforce or revoke a permit or other entitlement for use issued.

Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.

Historic Status: Potential Designated Historic Property; Survey Rating: B+2+

Service Delivery District: 3

City Council District: 2

Status: Application approved by Zoning Administrator on January 22, 2010; Appealed February 4, 2010.

Action to be Taken: Public Hearing

Finality of Decision: Final (Not Appealable Pursuant to OMC Sec. 17.132.030)

For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Michael Bradley gave staff presentation. Appellant Steve Cheung stated his reasoning for appealing this application and answered questions from the Commission. The Commission expressed appreciation for Mr. Cheung's business and support for activities that enliven the street.

Speakers: Steve Banker, Sanjiv Handa

Motion to deny the Appeal by Zayas-Mart, seconded by Gibbs .

Action on the matter: Motion for denial passes 7 ayes, 0 noes;

COMMISSION BUSINESS

Approval of Minutes: February 17 (Approved 5 ayes, 0 noes, 2 abstentions (Galvez, Zayas-Mart), and March 3, 2010 (Approved 7-0);

OPEN FORUM

ADJOURNMENT The meeting was adjourned at approximately 6:50 p.m.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: April 7, 2010