# *Oakland City Planning Commission* **Minutes**

*Vien Truong, Chair*
*C. Blake Huntsman, Vice Chair*
*Michael Colbruno*
*Michael Coleman*
*Jim Moore*
*Chris Pattillo*
*Jonelyn Whales*

**October 3, 2012**
**Regular Meeting**

***ROLL CALL***

**Present:** Colbruno, Coleman, Moore, Pattillo, Whales.

**Excused:** Truong, Huntsman.

**Staff:** Robert Merkamp, David Valeska, Celena Chen, Cheryl Dunaway.

***WELCOME BY THE CHAIR***

***COMMISSION BUSINESS***

Due to the absence of both Chair Truong and Vice Chair Huntsman. A Chair Pro Tem would need to be elected to chair tonight' s Planning Commission Meeting.

Commissioner Whales made a motion to approve Commissioner Colbruno as Chair Pro Tem, seconded by Commissioner Pattillo.

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

***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 devise, 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.

**Agenda Discussion**

Item #5 has been removed from this agenda.
Item #6 has been removed from this agenda.
Item #3: Applicant Frederick Neilson requested a Continuance until the December 5, 2012 Planning Commission Meeting.

Commissioner Pattillo made a motion to approve the continuance, seconded by Commissioner Coleman.

Action on the matter: Item #3 continuance approved until the December 5, 2012 Planning Commission Meeting 5 ayes, 0 noes.

Item #6: Staff requested a two week continuance.

Commissioner Pattillo made a motion to approve the continuance, seconded by Commissioner Whales.

Action on the matter: Two week continuance approved 5 ayes, 0 noes.

**Commission Matters**

Staff Member Robert Merkamp introduced the newest City Attorney assigned to the Planning and Zoning Division, Celena Cheng.

Chair Pro Tem Colbruno congratulated the Oakland Athletics (A' s) on winning the American League West.

***CONSENT CALENDAR***

Item #1: Staff Member Robert Merkamp explained to the Planning Commission that variance findings that were not printed with the staff report should be approved by the Planning Commission before submission into record.

Action on the matter: Approved by unanimous consent of the Planning Commission.

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| 1. **Location:** | **5000 MacArthur Boulevard (APN: 037A-2701-029-03)** |
| **Proposal:** | Replace three (3) telecommunication antennas with three (3) new telecommunication antennas and the installation of six (6) new RRU' s and one (1) new microwave dish. |
| **Applicant:** | AT&T, Sam Savig of Streamline Engineering. |
| **Contact Person/Phone Number:** | Sam Savig |
| **Owner:** | Mills College |
| **Case File Number:** | **CMDV12-053** |
| **Planning Permits Required:** | Regular Design Review to replace three (3) telecommunication antennas with three (3) new telecommunication antennas and the installation of six (6) new RRU' s and one (1) new microwave dish.<br>Major Conditional Use Permit for the installation of a Monopole telecommunication facility within 100 feet of a residential zone.<br>Minor Variance for a Monopole facility (existing) of 98 feet where 45 feet is permitted. |
| **General Plan:** | Institutional |
| **Zoning:** | RM-3 Mixed Housing Type Residential Zone |
| **Environmental Determination:** | 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. |
| **Historic Status:** | Potential Designated Historic Property; Survey Rating: B+1+ |
| **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** |

Staff Member Robert Merkamp explained to the Planning Commission that variance findings that were not printed with the staff report should be approved by the Planning Commission before submission into record.

**Applicant:** David Alameda gave a brief presentation and answered questions answered by the Planning Commission.

Commissioner Pattillo asked the applicant to please contact the owner of the telecommunications pole and asked if they would consider the possibility of replacing the telecommunications pole and the existing antennas and new soon to be installed antennas with a Foe Pine Tree.

Chair Pro Tem Colbruno recommended that staff have the discretion of the design of the tower.

Commissioner Pattillo made a motion to approve with the feasibility of replacing the telecommunication pole with a Foe Pine tree, and the final decision will be at the discretion of staff, seconded by Commissioner Coleman.

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

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| 2. | **Location:** | **611 E. 20th Street (APN: 021 -0274-001-00)** |
| | **Proposal:** | To modify a wireless telecommunications facility located at an apartment building (rooftop and basement) in a residential neighborhood including installation of screening for concealment at the rooftop sector. |
| | **Applicant /** | Michelle Weller/Cortel (for Clearwire) |
| | **Phone Number:** | (925) 997-1312 |
| | **Owner:** | Miller-Ravetti Co. |
| | **Case File Number:** | **CMD11-182** |
| | **Planning Permits Required:** | Major Conditional Use Permit with additional findings for a Macro facility in a residential zone;<br>Regular Design Review with additional findings for a Macro facility |
| | **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;<br>Section 15183 of the State CEQA Guidelines:<br>Project consistent with a Community Plan, General Plan or Zoning |
| | **Historic Status:** | Non-Historic Property; Survey rating: D3 (minor importance) |
| | **Service Delivery District:** | III |
| | **City Council District:** | 2 |
| | **Date Filed:** | September 22, 2011 |
| | **Staff Recommendation:** | 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 |

Applicant: Michelle Weller answered questions asked by the Planning Commission.

Commissioner Pattillo stated that she discussed with staff about the understanding that the applicant will be willing to relocate one group of antennas and attach them to the sides of the existing "Penthouse" ro of, and the remaining cluster of antennas will be located at one or the other end of the building. Would you also be willing to eliminate the proposed Transparent Box Screen at the discretion of staff.

Commissioner Pattillo made a motion to approve with conditions to relocate one cluster of antennas and attach them to the sides of the existing "Penthouse" roof, the rem aining cluster of antennas be located at one or the other end of the building and the Transparent Box Screen be eliminated, all at the discretion of staff. Seconded by Commissioner Coleman.

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

| 3. | | |
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| | **Location:** | **4101 Park Boulevard (Park Boulevard Presbyterian Church) (APN: 024 -0535-015-01)** |
| | **Proposal:** | To remove and precisely replicate a church steeple (54' to 101'-9" in height) and to install 12 new wireless telecommunications inside the replacement structure.<br><br>**Pursuant to Federal law, City review is essentially limited to design considerations only** |
| | **Applicant/ Phone Number:** | Tom Johnson/Trillium Consulting (for: AT&T)<br>(714) 206-2879 |
| | **Owner:** | Park Boulevard Presbyterian Church |
| | **Case File Number:** | **CMD12-140** |
| | **Planning Permits Required:** | Major Conditional Use Permit for a wireless telecommunications facility in a residential zone;<br>Regular Design Review |
| | **General Plan:** | Mixed Housing Type Residential (project site) /<br>Detached Unit Residential |
| | **Zoning:** | RM-3 Mixed Housing Type Residential Zone – 3 |
| | **Environmental Determination:** | Exempt, Section 15302 (b) of the State CEQA Guidelines: Replacement or Reconstruction (Replacement of a commercial structure);<br>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: C2+ |
| | **Service Delivery District:** | III |
| | **City Council District:** | 5 |
| | **Date Filed:** | July 26, 2012 |
| | **Action to be Taken:** | Decision based on staff report |
| | **Finality of Decision:** | Appealable to City Council within 10 calendar days |
| | **For Further Information:** | Contact case planner **Aubrey Rose, Planner II** at **(510) 238-2071** or arose@oaklandnet.com |

Applicant Frederick Neilson requested a Continuance until the December 5, 2012 Planning Commission Meeting.

Commissioner Pattillo made a motion to approve the continuance, seconded by Commissioner Coleman.

Action on the matter: Continuance approved until the December 5, 2012 Planning Commission Meeting 5 ayes, 0 noes.

*PUBLIC HEARINGS*

| 4. | | |
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| | **Project Name:** | **Club 21** |
| | **Location:** | **2111 Franklin Street (APN008-0650-004-00)** |
| | **Proposal:** | Allow Modification of Security Plan for Previously Approved On-site Sales of Alcoholic Beverage |
| | **Contact Person/Phone Number:** | Charles Bisbee (510)909-8406 |
| | **Owner:** | Manuel and Dana Enterprises Inc., Manuel Cabello |
| | **Case File Number:** | **REV12-009 (Amends CM02-576)** |
| | **Planning Permits Required:** | Amend previously approved Major Conditional Use Permit, modify condition to allow reduced on-site security staff for an Alcoholic Beverage Sales Activity |
| | **General Plan:** | Central Business District |
| | **Zoning:** | CBDP Central Business District-Pedestrian Retail Commercial Zoning District |
| | **Environmental Determination:** | Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301 |
| | **Historic Status:** | Not a Potential Designated Historic Property |
| | **Service Delivery District:** | Metro |
| | **City Council District:** | 3 |
| | **Action to Be Taken:** | Approve Staff Recommendation |
| | **Finality of Decision:** | Appealable to City Council within 10 calendar days |
| | **For Further Information:** | Contact **David Valeska** at **(510) 238-2075** or dvaleska@oaklandnet.com |

Staff Member David Valeska gave a brief presentation.

**Applicant:** Charles Brisbee gave a brief presentation and answered questions asked by the Planning Commission.

Commissioner Coleman inquired about how many security guards will be on duty for each shift.

Chair Pro Tem Colbruno asked what type of club is operated at the project location.

**Speaker:** Manuel Gabello.

Applicant Charles Brisbee responded to what he considered to be negative comments made by speaker Manuel Gabello.

Commissioner Whales made a motion to approve, seconded by Chair Pro Tem Colbruno.

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

# NOTE: ITEM #5 HAS BEEN REMOVED FROM THIS AGENDA

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| ~~5.~~ | ~~**Project Name:**~~ | ~~**Soundwave Studios**~~ |
| | ~~**Location:**~~ | ~~**2240 Wood Street (APN007-0575-004-00)**~~ |
| | ~~**Proposal:**~~ | ~~Allow Alcoholic Beverage Sales (bar/nightclub) and entertainment~~ |
| | ~~**Contact Person/Phone Number:**~~ | ~~Alan Lucchesi, Tony Carracci (510)207-4790~~ |
| | ~~**Owner:**~~ | ~~Alan Lucchesi, Famiglia Di Musica LLC~~ |
| | ~~**Case File Number:**~~ | ~~**CMV11-220**~~ |
| | ~~**Planning Permits Required:**~~ | ~~Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity (bar/nightclub), Variance for Location Within 1,000 Feet of a Park; and Minor Conditional Use Permit for Group Assembly/entertainment, for nightclub activity in existing industrial/music studio facility~~ |
| | ~~**General Plan:**~~ | ~~Business Mix~~ |
| | ~~**Zoning:**~~ | ~~CIX-1 Commercial Industrial Mixed Use Zoning District~~ |
| | ~~**Environmental Determination:**~~ | ~~Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303~~ |
| | ~~**Historic Status:**~~ | ~~Not a Potential Designated Historic Property~~ |
| | ~~**Service Delivery District:**~~ | ~~1~~ |
| | ~~**City Council District:**~~ | ~~1~~ |
| | ~~**Commission Action to Be Taken:**~~ | ~~Approve Staff Recommendation~~ |
| | ~~**Appeal:**~~ | ~~To City Council~~ |
| | ~~**For Further Information:**~~ | ~~Contact **David Valeska** at **(510) 238-2075** or dvaleska@oaklandnet.com~~ |

| 6. | |
|---|---|
| **Location:** | **2255 Telegraph Avenue (APN: 008 -0660-051-00 / 052-01** |
| **Proposal:** | Demolition of an existing building containing a "Taco Bell" and the new construction of a new larger building situated on the corner of Telegraph Ave and West Grand Ave. to accommodate a new "Taco Bell" building. |
| **Applicant:** | Richard Low / Dolan Foster Enterprises LLC |
| **Contact Person/ Phone Number:** | Richard Low<br>(925) 978-3977 |
| **Owner:** | David & Lisa Leung |
| **Case File Number:** | **CMDV12-171** |
| **Planning Permits Required:** | Major Conditional Use Permit (C.U.P.) for the expansion of an existing legal non-conforming fast food restaurant "Taco Bell" and new Drive thru facility, Regular Design Review for the new construction and Minor Variance for the new construction not meeting the established height minimum of 45'. |
| **General Plan:** | Central Business District |
| **Zoning:** | CBD-C Central Business District 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:** | Metro |
| **City Council District:** | III |
| **Action to Be Taken:** | Approve Staff Recommendation |
| **Finality of Decision:** | Appealable to City Council within 10 calendar days |
| **For Further Information:** | Contact case planner **Jose M. Herrera-Preza** at **(510) 238-3808** or jherrera@oaklandnet.com |

Staff requested a two week continuance on this item.

Commissioner Pattillo made a motion to approve the continuance, seconded by Commissioner Whales.

Action on the matter: Two week continuance approved 5 ayes, 0 noes.

**Approval of Minutes**

May 16, 2012 and June 20, 2012 minutes will be continued until the October 17, 2012 Planning Commission Meeting due to no quorum for an approval vote.

Commissioner Pattillo made a motion to approve the August 29, 2012 minutes, seconded by Commissioner Coleman.

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

***ADJOURNMENT***

Meeting adjourned at approximately 6:30 P.M.

**ROBERT MERKAMP**
**Zoning Manager**
**Planning and Zoning Division**

***NEXT REGULAR MEETING:*** October 17, 2012