



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

**February 3, 2010**  
**Regular Meeting**

**MEAL GATHERING 5:30P.M.**

**Hearing Room 4, One Frank Ogawa Plaza, Oakland**

Open to the public (Members of the public may bring their own meals if desired. Consumption of food is not required to attend.)

**BUSINESS MEETING 6:00 P.M.**

**Hearing Room 1, City Hall, One Frank H. Ogawa Plaza**

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director's Report, should fill out a speaker card and give it to the Secretary "*Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda*". Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes.

The order of items will be determined under "Agenda Discussion" at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after **10:15 p.m.**, and the meeting will adjourn no later than **10:30 p.m.** unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

Please check with the Planning Department prior to the meeting regarding items that may be continued. Any agenda item may be continued, without the hearing on the matter being opened or public testimony taken, at the discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.

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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.



New web-site staff report  
download instructions

Staff reports for items listed on this agenda will be available by 3:00 p.m. the Friday before the meeting, to any interested party, at the Community and Economic Development Agency, Planning and Zoning Division, 250 Frank

H. Ogawa Plaza, Oakland, California 94612. Reports are available at the Strategic Planning Division on the 3<sup>rd</sup> floor (Suite 3315), which closes at 5:00 p.m.

Staff reports are also available on-line, by 3:00 p.m. the Friday before the meeting, at [www.oaklandnet.com](http://www.oaklandnet.com) by searching “Frequently Visited Pages” located on the City of Oakland Homepage. Clicking on “Planning Commission Meetings” will open a menu of Planning Commission and Committee Agendas. Staff reports are available on the selected agenda by clicking on the highlighted case file number. You will need to ensure that your computer will accept pop-ups from the host site (oaklandnet.com) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please call **510-238-3941**.

If you challenge a Commission decision in court, you will be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure Section 1094.6, unless a shorter period applies.

Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.

While attending Planning Commission Meetings, parking in the Clay Street Garage is free. Attendees should see staff at the meeting for validation of parking tickets.

Applicants or members of the public that plan power point presentations: Please contact Daria Edgerly at [dedgerly2@oaklandnet.com](mailto:dedgerly2@oaklandnet.com) or 510-238-2912 or Gwen Brown at [gbrown@oaklandnet.com](mailto:gbrown@oaklandnet.com) or 510-238-6194 at least 48 hours prior to the meeting.

**ROLL CALL**

**WELCOME BY THE CHAIR**

**COMMISSION BUSINESS**

**Agenda Discussion**

**Director’s Report**

**East Bay Bus Rapid Transit Project:**

Presentation of the Oakland Draft “Locally Preferred Alternative” for Review and Comment



Committee Reports

Commission Matters

City Attorney's Report

OPEN FORUM

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

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> <u>Sequoiah Community Church</u>  <b>4292 Keller Avenue (APN: 040A-3847-004-15)</b></p> <p><b>Proposal:</b> To expand a Wireless Telecommunications Macro Facility collocated at a church by attaching three (3) new panel antennas and one (1) internet services exchange point to the upper façade and constructing one (1) new ground-level equipment cabinet.</p> <p><b>Applicant /</b> Michelle Weller / Cortell, LLC (for carrier: clearwire)  <b>Phone Number:</b> (925) 997-1312  <b>Owner:</b> Sequoiah Community Church  <b>Case File Number:</b> <b>CMD09-268</b></p> <p><b>Planning Permits Required:</b> Major Conditional Use Permit with special findings to allow (the expansion of) a Macro Facility within a Residential Zone (OMC Sec. 17.134.020(A)(3)(i));  Regular Design Review with special findings to allow (the expansion of) a Macro Facility (OMC Sec. 17.24.040, 17.136.040(A)(10))</p> <p><b>General Plan:</b> Detached Unit Residential  <b>Zoning:</b> R-50 Medium Density Residential Zone</p> <p><b>Environmental Determination:</b> 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><b>Historic Status:</b> Not a Potential Designated Historic Property  Survey Ratings: *3</p> <p><b>Service Delivery District:</b> VI – Elmhurst / South Hills  <b>City Council District:</b> 7 – Reid  <b>Date Filed:</b> December 10, 2009  <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></p>
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2.	<b>Location:</b>	<b>2701 High Street, (APN: 032-2058-098-00)</b>
	<b>Proposal:</b>	To install 3 concealed telecommunication antennas, and an equipment cabinet at a site with 12 existing antennas for a total of 15 telecommunication antennas.
	<b>Applicant:</b>	Cortel c/o Clearwire
	<b>Contact Person/Phone Number:</b>	Michelle Weller (925)997-1312
	<b>Owner:</b>	Luis Dasilva
	<b>Case File Number:</b>	<b>CMD09-262</b>
	<b>Planning Permits Required:</b>	Regular Design Review to install 3 concealed telecommunication antennas and an equipment cabinet area. Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.
	<b>General Plan:</b>	Mixed Housing Type Residential
	<b>Zoning:</b>	R-50 Medium Density Residential Zone
	<b>Environmental Determination:</b>	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.
	<b>Historic Status:</b>	Not a Potential Designated Historic Property; Survey Rating: F3
	<b>Service Delivery District:</b>	4
	<b>City Council District:</b>	2
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision of Application
	<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
	<b>For Further Information:</b>	Contact case planner Michael Bradley at (510) 238-6935 or by email: <a href="mailto:mbradley@oaklandnet.com">mbradley@oaklandnet.com</a>

**PUBLIC HEARINGS**

The hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the public hearing.

The Commission will then vote on the matter based on the staff report and recommendation. If the Commission does not follow the staff recommendation and no alternate findings have been prepared, then the vote on the matter will be considered a “straw” vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

If you wish to be notified on the decision of an agenda item, please indicate the case number and submit a self-addressed stamped envelope, for each case.

Planning Commission decisions that involve “major” cases (i.e., major variances, major conditional use permits) are usually appealable to the City Council. Such appeals must be filed within ten (10) calendar days of the date of the announcement of the Planning Commission decision and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is



not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you from challenging the City’s decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so will preclude you from raising such issues during your appeal and/or in court.

Any party seeking to challenge a final decision in court must do so within ninety (90) days of the date of the announcement of a final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies. Interested parties are encouraged to submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item. To allow for distribution to the Commission, staff, and the public, 25 copies of all material should be submitted. Material submitted at least ten days prior to the meeting may be included as part of the agenda packet; material submitted later will be distributed at or prior to the meeting. To ensure that material is distributed to Commissioners, it should be received by the Commission.

3.                   **Location:** **Fruitvale Transit Village (Phase 2) residential project**  
**No address**  
Block bounded by 35<sup>th</sup> and 37<sup>th</sup> Avenues, East 12<sup>th</sup> Street and BART tracks. APNs: 033-2197-019 and 033-2177-021

**Proposal:** Public Hearing on the Draft Environmental Impact Report (DEIR) for the Fruitvale Transit Village Phase 2 residential project. The DEIR has analyzed the potential environmental impacts of the construction of 275 residential units on approximately 3.4 acres adjacent to the Fruitvale BART station. A Notice of Availability for the Draft Environmental Impact Report (DEIR) and Notice of Public Hearings on DEIR was published on January 14, 2010.

**Applicant:** The Unity Council/Signature Properties

**Contact Person/Phone Number:** Patrick Van Ness, (925) 463-1122

**Owner:** Bay Area Rapid Transit District (BART)

**Case File Number:** [\*\*ER 08-0005/PUD 08-186/TPM 9662/CMD 08-185\*\*](#)

**Planning Permits Required:** Tentative Parcel Map, Major Conditional Use Permit, Preliminary Development Plan

**General Plan:** Neighborhood Center Mixed Use

**Zoning:** S-15 (Transit Oriented Development Zone)

**Environmental Determination:** A Draft Environmental Impact Report (DEIR) has been prepared for this project. The public review period for the project runs from January 14, 2010 to March 1, 2010.

**Historic Status:** None

**Service Delivery District:** 4

**City Council District:** 5

**Action to be Taken:** Receive public comment on the Draft Environmental Impact Report for the Fruitvale Transit Village Phase 2 residential project.

**For Further Information:** Contact project planner **Kristi Bascom** at (510) 582-1328 or by email: [kristi@planbmc.com](mailto:kristi@planbmc.com)



***APPEALS***

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following testimony, the Commission will vote on the report prepared by staff. If the Commission reverses/overturns the staff decision and no alternate findings have been prepared, then the vote on the matter will be considered a "straw" vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

***COMMISSION BUSINESS***

**Approval of Minutes:**

**Correspondence**

**City Council Actions**

***OPEN FORUM***

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

**ADJOURNMENT** By **10:30 P.M.** unless a later time is agreed upon by a majority of Commissioners present.

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

***NEXT REGULAR MEETING:*** February 17, 2010