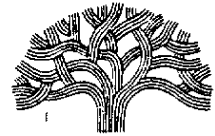


# CITY OF OAKLAND



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December 7, 1993

Douglas B. Carlson  
GEZ Architects Engineers  
120 Montgomery Street  
Oakland, CA 94611

**RE: CASE FILE NO.: C92-313; 1720 MacArthur Boulevard**

Your request for reconsideration of an approved Minor Conditional Use Permit (C92-313, September 23, 1993) to relocate a cellular telephone communication facility (Utility and Vehicular Civic Activity) at 1720 MacArthur Boulevard in the R-50 Medium Density Residential Zone has been reviewed at its new proposed location adjacent to an existing building known as The Altenheim. The antenna tower and its equipment shelter will be located in eight feet (8) from the southwest corner of The Altenheim and approximately 81'-6" from the site's rear lot line and 78'-0" from its corner side lot line (Telegraph Avenue Frontage).

The findings for a Minor Conditional Use Permit, found at Section 9204 of the Oakland Zoning Regulations, required to grant your request to relocate the communication facility, as described above, have been met. Therefore, your request for reconsideration of C92-313 has been approved.

The required findings found at Section 9204 of the Oakland Zoning Regulations are as follows (citations relate to subsections of Sections 9204):

**SECTION 9204:**

- (a) That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.
- (b) That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.



- (c) That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.
- (d) That the proposal conforms in all significant respects with the Oakland Comprehensive Plan and with any other applicable plan or development control map which has been adopted by the City Council.

In order to receive approval, the proposal is required to satisfy all of the above criteria. The proposal, subject to conditions of approval, satisfies the criteria as indicated by the following reasons:

**SECTION 9204**

- (a) With respect to finding (a), the proposed southwest corner location for an cellular telephone antenna tower and equipment shelter on a 4.13 acre site will be adjacent to a three-story and partial basement building (The Altenheim; an elderly care facility) and will be approximately 81'-6" from an adjacent single-family dwelling. At this location, the proposal will be sufficiently far from residential development along MacArthur Boulevard to reduce its visual impact on residential development in the surrounding area. The scale and height of the 65 foot high antenna tower will be compatible with the adjacent building (The Altenheim). The proposed location will also be sufficiently far from MacArthur Boulevard (over 78 feet).

At this location, the tower will meet all zoning requirements, will be sufficiently far from nearby residential development and be moderately screened by medium size vegetation facing MacArthur Boulevard to reduce its significant visual impact on adjacent residences.

- (b) With respect to finding (b), based on the above reasons, the proposed location, size and design for an antenna tower and accessory equipment shelter will be compatible with adjacent and nearby residential properties along MacArthur Boulevard. Two microwave dishes (four feet in diameter) will be mounted at 50 and 60 feet; cellular whip antennas will be supported by circular brackets at the top of the tower. With appropriate conditions of approval, the communication facility adjacent to the Altenheim would provide a convenient and functional civic environment and be as attractive as the nature of its use and setting warrant.
- (c) With respect to finding (c), for the reasons described above and with appropriate conditions of approval, the proposal will not negatively impact the character and livability of existing residential properties in the surrounding neighborhood.



- (d) With respect to finding (d), the proposal, as modified by conditions of approval, will conform in all significant respects with the Oakland Comprehensive Plan and with all applicable City plans and policies.

In addition, the following conditions of approval are attached to this approval:

1. That the final approved site for the communication facility shall be at the southwest corner of the site and eight feet from (45 degree angle to) the corner of the Altenheim building.
2. That the final design and exterior treatment of the communication facility along with samples of all materials, colors (to be white painted steel members for the radio antenna tower) and textures shall integrate well with its setting and complement the existing adjacent Altenheim building and shall be submitted and approved by the Director of City Planning.
3. That a set of revised plan drawings, including a site plan, shall be submitted for approval by the Deputy Director of City Planning prior to issuance of a final building permit.
4. That no signs shall be installed without the approval of the Director of City Planning.
5. That any changes to the existing parking and driveway design shall be approved by Building Services (Plan Check Division).
6. That the applicant will repair and maintain any destruction of property on the premises as a result of vandalism, theft, or graffiti. That any materials and other equipment that would be necessary to restore any structures on the premises shall be provided by the applicant. Such restoration shall be done within 30-days to the satisfaction of the Deputy Director of City Planning.
7. That a copy of the approved Conditions of Approval be recorded with the Alameda County Recorder using the attached form or other form approved by the Director of City Planning; proof of such recordation shall be provided to the Director of City Planning prior to the commencement of the approved use.
8. That this approval shall terminate in one (1) year unless actual construction under valid permits commences; and that this may be extended upon application filed at any time prior to the expiration date.



This decision becomes effective in ten (10) days from the date of this letter unless appealed to the City Planning Commission. An appeal is made by completing an application and paying the required fee.

If you have any questions, please contact Mimi Liem at (510) 238-6665.

Sincerely,

ALVIN D. JAMES  
Director of City Planning

A handwritten signature in cursive script, reading "Bill Quesada".

BY: BILL QUESADA, Planner III  
Zoning Division

cc: Cleve Williams, Office of Parks and Recreation  
Frank Kliever, OPB Operations Division  
To All Interested Parties

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