



Oakland City Planning Commission *REVISED - AGENDA

Jim Moore, Chair
Adhi Nagraj, Vice Chair
Jahaziel Bonilla
Amanda Monchamp
Jahmese Myres
Chris Pattillo
Emily Weinstein

April 20, 2016
Regular Meeting

Revised on 04-11-16 (Please see end of agenda)

MEAL GATHERING 5:15 P.M.

Saigon Restaurant, 326 Frank H. Ogawa Plaza, Oakland

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

BUSINESS MEETING 6:00 P.M.

Sgt. Mark Dunakin Hearing Room 1, City Hall, One Frank H. Ogawa Plaza, Oakland

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 at the discretion of the Chair.

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 work with the case planner listed for each item 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.

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 Planning and Building Department 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 and Building 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.

El lugar de la reunión es accesible en silla de ruedas. Para solicitar materiales en formatos alternativos o solicitar un intérprete de lenguaje de señas o un aparato para escuchar, por favor llame al Departamento de Planificación y Construcción al 510-238-3941 o TDD 510-238-3254 al menos tres días hábiles antes de la reunión. Por favor absténgase de usar perfumes en esta reunión para que las personas sensitivas a perfume puedan asistir.

此會議場地有適合輪椅出入設施。如需要其他格式的會議資料，或ASL手語服務，或助聽器，請於會議至少三(3)天以前聯絡規劃及建設局，以便安排服務，電話510-238-3941或TDD 510-238-3254

。請勿塗搽香氛產品，參加者可能對化學成分敏感。多謝。



**New online staff report
download instructions**

Staff reports for items listed on this agenda will generally be available by 3:00 p.m. the Friday before the meeting, to any interested party, at the Planning and Building Department, 250 Frank H. Ogawa Plaza, Oakland, California 94612. Reports are also available at the Strategic Planning Division on the 3rd floor (Suite 3315), which closes at 5:00 p.m.

Staff reports are also available online, generally by 3:00 p.m. the Friday before the meeting, at www.oaklandnet.com/planning (under "Planning Commission.") 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](tel: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 Planning and Building Department, 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 (located at Clay Street and 14th Street) is free. Attendees should see staff at the meeting to validate parking tokens.

Applicants or members of the public that plan to make electronic presentations (e.g., PowerPoint presentations): Please contact Cheryl Dunaway at cdunaway@oaklandnet.com or 510-238-2912 at least 48 hours prior to the meeting.

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, twenty-five (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 may be distributed at or prior to the meeting. To ensure that material submitted at the meeting is distributed to Commissioners, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time the item is scheduled to be considered by the Commission.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

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. At the discretion of the Chair, 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 and recommendation 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.	Location:	The Public Right-of-Way adjacent to 1989 Asilomar Dr.
	Assessor’s Parcel Numbers:	(048E -7337-017-00)
	Proposal:	The installation of a distributed antenna system (DAS) wireless telecommunication facility on a new public utility pole in the right-of-way on Asilomar Dr.; facility includes two panel Kathrein antennas mounted at approximately at 51’-4” pole height; an associated equipment box (6’ tall by 24” wide); an associated equipment box, one battery backup and meter boxes within a 6’ tall by 18” wide singular equipment box attached to the pole at 8’ above the ground.
	Applicant:	New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)
	Contact Person/ Phone Number:	Matthew Yergovich (415) 596-3474
	Owner:	New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)
	Case File Number:	PLN16041
	Planning Permits Required:	Major Regular Design Review to install a wireless Telecommunication Facility on a new utility pole located in public right of away within a residential zone.
	General Plan:	Hillside Residential
	Zoning:	RH-4 Hillside Residential 4 Zone
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines (small facilities or structures; installation of small new equipment and facilities in small structures), and that none of the exceptions to the exemption in CEQA Guidelines section 15300.2 are not triggered by the proposal. Exempt, 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 (PDHP); Survey rating:
	Service Delivery District:	II
	City Council District:	4
	Date Filed:	2/16/16
	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



2.	<p>Location: The Public Right-of-Way adjacent to 5687 Miles Ave.</p> <p>Assessor's Parcel Numbers: (014 -1266-006-00)</p> <p>Proposal: The installation of a micro antenna system wireless telecommunication facility on a replacement Joint Pole Authority (JPA) public utility pole in the right-of-way on Miles Ave.; facility includes two panel antennas mounted at approximately at 39' pole height; ; and associated equipment including one battery backup, and one meter box attached to the new pole, at a height of between 7' above ground in public right of way.</p> <p>Applicant: Core Development Services for Verizon Wireless</p> <p>Contact Person/ Phone Number: Ashley Woods (714) 293-5075</p> <p>Owner: PG&E</p> <p>Case File Number: PLN15358</p> <p>Planning Permits Required: Major Regular Design Review to install a wireless Telecommunication Facility onto a replacement utility pole located in public right of way.</p> <p>General Plan: Neighborhood Center Commercial</p> <p>Zoning: CN-1 Neighborhood Center Commercial 1 Zone</p> <p>Environmental Determination: Exempt, Section 15303 of the State CEQA Guidelines (small facilities or structures; installation of small new equipment and facilities in small structures), and that none of the exceptions to the exemption in CEQA Guidelines section 15300.2 are not triggered by the proposal. Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.</p> <p>Historic Status: Not A Potential Designated Historic Property (PDHP); Survey rating: II</p> <p>Service Delivery District: II</p> <p>City Council District: 4</p> <p>Date Filed: 11/5/15</p> <p>Finality of Decision: Appealable to City Council</p> <p>For Further Information: Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com</p>
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THIS ITEM HAS BEEN CONTINUED TO MAY 4, 2016.

3.	Location:	5516 San Pablo Ave.
	Assessor's Parcel Numbers:	(015-1308-016-00)
	Proposal:	To allow for an expansion of an existing Alcoholic Beverage Sales Activity "Wolfhound Bar" into a portion of the adjacent commercial space. The existing bar is 968 square feet and will expand 393 square feet.
	Applicant:	Peadar Kelleher, Keith Mulligan, Christopher Southgate
	Contact Person/Phone Number:	Peadar Kelleher (415) 706-3550
	Owner:	Wally Whittier
	Case File Number:	PLN14018-R01
	Planning Permits Required:	Amendment to existing Major Conditional Use Permit to allow the expansion of an Alcoholic Beverage Sales Activity; Findings of Public Convenience or Necessity in an over-concentrated area and major variance for separation on a restricted street.
	General Plan:	Community Commercial
	Zoning:	CC-2 Community Commercial 2 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:	Potentially Designated Historic Property (DHP); Survey rating: C3
	Service Delivery District:	Metro
	City Council District:	3
	Date Filed:	01/19/16
	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



THIS ITEM HAS BEEN REMOVED FROM THIS AGENDA.

4.	Location:	Public Right of Way across from 6387 Fairlane Drive.
	Assessor's Parcel Numbers:	(048H-7566-020-00)
	Proposal:	The project involves the installation of a new wireless Telecommunications facility (AT&T Wireless) on a new 30' tall metal pole located in the public right-of-way; installation two-panel antennas (two-foot long and ten inches wide) mounted at 30 feet above the ground; an associated equipment cabinet housing one battery backup and radio units within a 5'-3" tall, 2' wide and 2'-2" deep shroud mounted on the metal pole at 7 feet above the ground.
	Applicant:	Extenet Systems Inc./AT&T Mobility
	Contact Person/	Matthew Yergovich
	Phone Number:	(415)-596-3474
	Owner:	City of Oakland
	Case File Number:	PLN14-049
	Planning Permits Required:	Major Conditional Use Permit and Design Review to install a new Monopole Telecommunication Facility in the residential zone, and Minor Variance to waive 1:1 ratio setback requirements for 30' tall monopole facility to be located from the adjacent residential property lot line.
	General Plan:	Hillside Residential
	Zoning:	RH-3 Hillside Residential-3 Zone
	Environmental	Exempt, Section 15303 of the State CEQA Guidelines; New construction of
	Determination:	small 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: N/A
	Service Delivery District:	2
	City Council District:	1
	Date Filed:	7/21/2015
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or jmadani@oaklandnet.com



5. **Project Location:** 5100-5110 Telegraph Ave., 450-478 51st St., and 5107 Clarke St.
Assessors Parcel Numbers: 014 122600303; 014 122600403; 014 122600502; 014 122600602;
014 122600702; 014 122600800; 014 122600901; 014 122600902;
014 122601400.
- Proposal:** Applicant's request for extension of entitlements to construct a new mixed-use development consisting of 67 residential units and 2,990 square feet of commercial space on a vacant parcel.
- Project Applicant/ Phone Number:** Brian Caruso / Nautilus Group, Inc. (510) 213-6226
- Property Owner:** NGI 5110 Telegraph, LLC
- Case File Number:** CMDV05469
- Planning Permits Required:** Extension of the Interim Conditional Use Permit; Major and Minor Variances; and Regular Design Review.
- General Plan:** Neighborhood Center Mixed Use and Mixed Housing Residential
- Zoning:** Current Zoning is CN-2 Neighborhood Commercial;
Prior Zoning was C-28 Commercial Shopping District, R-35 Special One-Family Residential, R-40 Garden Apartment Residential, and S-18 Mediated Residential Design Review Combining Zone.
- Environmental Determination:** Exempt, Section 15332 of the State CEQA Guidelines; In-Fill development projects.
- Property Historic Status:** Non-Historic Property
- Service Delivery District:** 2
- City Council District:** 1
- Project Status:** On January 18, 2006 the Planning Commission approved the project. On January 30, 2006 an appeal of the approved project was filed to the City Council. On March 17, 2006 the applicant agreed in revising the project and making certain contributions for pedestrian safety in the area in exchange for the appellant to withdraw. On March 20, 2006 the appellant filed a letter to withdraw his appeal. On March 21, 2006 the City Council adopted a resolution approving the project with additional conditions of approval. The entitlements of the approved project were extended through December 31, 2015.
- Action to be Taken:** Decision based on staff report
- Finality of Decision:** Appealable to City Council within 10-days
- For Further Information:** Contact Case Planner, **Mike Rivera** at (510) 238-6417, or by email at mrivera@oaklandnet.com



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 Planning and Building Department, 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 for decision 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 for decision 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 (e.g., major variances, major conditional use permits) are usually appealable to the City Council. If any interested party seeks to challenge such decision in court, an appeal **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 Building Department, 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 of the required fee 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. However, the appeal will be limited to issues and/or evidence presented to the Planning Commission prior to the close of the Planning Commission’s public hearing on the matter.

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.



6. **Location:** 2400 Valdez Street
 (APN: 008-0671-026; -027; -028; -029; -030; -031; -032; -033; -034; -035; -036; -037-03)

Proposal: Proposal to construct a new seven story mixed use building containing 225 dwelling units and approximately 23,000 square feet of ground floor retail. The project site is Retail Priority Site 4A in the Broadway Valdez District Specific Plan.

Applicant: The Hanover Company

Contact Person/Phone Number: Scott Youdall – (925) 277-3445

Owner: Masri Family Limited Partnership & Valdez Street Properties LLC

Case File Number: PLN15-336

Planning Permits Required: Regular Design Review for new construction, Major Conditional Use Permit to allow D-BV-1 Zone Bonuses and transfer of excess Bonus Units from Priority Site 3A; Minor Variance for two loading berths where three are required; and Vesting Tentative Parcel Map for new condominiums.

General Plan: Central Business District

Zoning: D-BV-1, Broadway Valdez District Retail Priority Sites Commercial Zone

Environmental Determination: A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions:
 15183 - Projects consistent with a community plan, general plan, or zoning;
 15183.3 – Streamlining for in-fill projects; and/or
 15164 – Addendum to the 2014 certified Broadway Valdez District Specific Plan EIR;
 Each of which provides a separate and independent basis for CEQA compliance. The CEQA Analysis document may be reviewed at the Planning Bureau offices at 250 Frank Ogawa Plaza, 2nd Floor or on-line at <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

Historic Status: Not a historic property – vacant parking lots

Planning District: Metro

City Council District: 3

Status: Pending

Action to be Taken: Decision on application based on Staff Report

Finality of Decision: Appealable to City Council

For Further Information: Contact case planner **Pete Vollmann** at (510) 238-6167 or by email: pvollmann@oaklandnet.com.

7. **Location:** Citywide

Proposal: Pursuant to California Government Code section 65400, the City of Oakland has prepared a report on the progress made by the City on policies adopted in the 2015-2023 *Housing Element*, and building permits issued, for the year 2015.

Applicant: City of Oakland.

General Plan: All General Plan designations

Zoning: All zoning districts

Environmental Determination: CEQA Addendum was prepared for the Housing Element, based on the certified Environmental Impact Report for the 2007-2014 *Oakland Housing Element*.

Historic Status: Each District

Service Delivery District: Each district

City Council District: Each District

Action to be Taken: Request for Planning Commission and public comment; forward to City Council

For Further Information: Contact case planner **Devan Reiff** at (510) 238-3550 or by email: dreiff@oaklandnet.com



8.	<p>Location: 506 International Boulevard (APN 020-0134-007-03)</p> <p>Proposal: Allow Convenience Market Commercial Activity and Facility</p> <p>Contact Person/Phone Number: Jesse Kent 916 966 7325</p> <p>Owner: Habibisoureh Nozar, Jomehri Parvin</p> <p>Case File Number: PLN16-027</p> <p>Planning Permits Required: Major Conditional Use Permit to allow a 3,516 square foot Mini-market/convenience store, with continued gasoline service and tobacco service, with no alcohol sales; with 10 parking spaces and signage, and with 24 hour operation, on a 23,957 square foot parcel, to replace an automotive gas station, retaining and repairing existing legal nonconforming gasoline pumps; Design Review for constructing new facility</p> <p>General Plan: Mixed Housing Type Residential, Neighborhood Center Mixed Use Commercial</p> <p>Zoning: CN-3 Neighborhood Commercial Zoning District</p> <p>Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303 small structures, 15332 urban infill, 15183 projects consistent with adopted plans</p> <p>Historic Status: Not a Potential Designated Historic Property</p> <p>Service Delivery District: SDS-3</p> <p>City Council District: 2</p> <p>Commission Action to Be Taken: Approve Staff Recommendation</p> <p>Appeal: To City Council</p> <p>For Further Information: David Valeska at (510) 238-2075, dvalueska@oaklandnet.com</p>
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9. **Project Location:** 500 Kirkham Street The property is bounded by 7th Street, Union Street and 5th Street and is near the West Oakland BART Station.
- Assessor's Parcel Numbers:** 004-0049-001-00; 004-0049-003-00
- Proposal:** To construct an eight-story mixed-use residential and commercial development consisting of 417 dwelling units and 21,961 square feet of ground-floor commercial area that will total with a 448,646 square feet building, including two levels of parking above grade on a vacant lot.
- Project Applicant:** Jabari Herbert / West Oakland Development Group, LLC
- Phone Number:** (510) 385-9714
- Property Owner:** State of California - Caltrans
- Case File Number:** PLN15211 / ER16004
- Planning Permits Required:** Major Conditional Use Permits for large scale development over 100,000 square feet of new floor area in the S-15 Zone; Regular Design Review for new construction; and Tentative Parcel Map Subdivision for new condominiums.
- General Plan:** Community Commercial
- Zoning:** S-15W Transit-Oriented Development Zone (West Oakland)
- Environmental Determination:** A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies CEQA Guidelines: 15162 and 15164-Addendum to the approved and certified West Oakland Specific Plan EIR, 15183.3- Qualified Infill Projects, 15183.5- Transit Priority Projects, and 15183- Projects Consistent with a Community Plan, General Plan, or Zoning. The CEQA Analysis document may be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online by 3:00pm, Friday April 1, 2016 or by visiting our website at <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>
- Property Historic Status:** Non-Historic Property
- Service Delivery District:** 1
- City Council District:** 3
- Project Status:** Pending
- Action to be Taken:** Decision based on staff report
- Finality of Decision:** Appealable to City Council within 10-days
- For Further Information:** Contact Case Planner, **Mike Rivera** at (510) 238-6417, or by email at mriviera@oaklandnet.com



APPEALS

There are no appeals on this agenda.

COMMISSION BUSINESS

Approval of Minutes

Correspondence

City Council Actions

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

ROBERT MERKAMP
Development Planning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: May 4, 2016

*Revised 03-31-16 to indicate that item #4 has been removed from this agenda and will be continued to a date uncertain.

*Revised 04-11-16 to indicate that item #3 has been continued to May 4, 2016.