



# Oakland City Planning Commission \*REVISED - AGENDA

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

May 4, 2016  
Regular Meeting

**\*Revised on 04-28-16 (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

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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 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。



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.

**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 3<sup>rd</sup> floor (Suite 3315), which closes at 5:00 p.m.**

**New online staff report  
download instructions**

Staff reports are also available online, generally by 3:00 p.m. the Friday before the meeting, at [www.oaklandnet.com/planning](http://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**.

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 14<sup>th</sup> 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](mailto: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.

### ***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.



<b>1.</b>	<p><b>Location:</b> The Public Right-of-Way adjacent to 3770 Piedmont Avenue and Yosemite Avenue. Nearest lot adjacent to the project site ( 012-0938-039-02 )</p> <p><b>Proposal:</b> The project involves the installation of a new wireless Telecommunications facility (Crown Castle) on a new 24' tall metal light pole located in the public right-of-way; installation of two 24" wide panel antennas mounted at a height of 23 feet above the ground; an associated equipment box, one battery backup and meter boxes within shroud attached to the light pole at 9' above ground.</p> <p><b>Applicant:</b> Crown Castle</p> <p><b>Contact Person/Phone Number:</b> Bob Gundermann &amp; Jason Osborn (925)899-1999</p> <p><b>Owner:</b> City of Oakland</p> <p><b>Case File Number:</b> <b>PLN15-386</b></p> <p><b>Planning Permits Required:</b> Major Conditional Use Permit and Design Review to install a new Monopole Telecommunication Facility within 100' of residential zone, and Minor Variance to establish Monopole Facility within 1500 feet of another monopole facilities.</p> <p><b>General Plan:</b> Neighborhood Center Mixed Use.</p> <p><b>Zoning:</b> CN-1 Neighborhood Center Zone.</p> <p><b>Environmental Determination:</b> Exempt, Section 15303 of the State CEQA Guidelines; installation a new telecommunication/light pole. 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 Rating: N/A</p> <p><b>Service Delivery District:</b> 2</p> <p><b>City Council District:</b> 1</p> <p><b>Status:</b> Pending</p> <p><b>Action to be Taken:</b> Decision of Application</p> <p><b>Finality of Decision:</b> <i>Appealable to City Council within 10 days</i></p> <p><b>For Further Information:</b> Contact case planner <b>Jason Madani</b> at <b>(510) 238-4790</b> or by email: <a href="mailto:jmadani@oaklandnet.com">jmadani@oaklandnet.com</a></p>
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<b>2.</b>	<b>Location:</b> The Public Right-of-Way adjacent to 3868 Piedmont Avenue and Montell Street. Nearest lot adjacent to the project site ( 012-0936-022-00)
	<b>Proposal:</b> The project involves the installation of a new wireless Telecommunications facility (Crown Castle) on a new 24' tall metal light pole located in the public right-of-way; installation of one 24" wide panel antenna mounted at a height of 23 feet above the ground; an associated equipment box, one battery backup and meter boxes within shroud attached to the light pole at 9' above ground.
	<b>Applicant:</b> Crown Castle
	<b>Contact Person/Phone Number:</b> Bob Gundermann & Jason Osborn (925)899-1999
	<b>Owner:</b> City of Oakland
	<b>Case File Number:</b> <b>PLN15-388</b>
	<b>Planning Permits Required:</b> Major Conditional Use Permit and Design Review to install a new Monopole Telecommunication Facility within 100' of residential zone, and Minor Variance and Minor Variance to establish Monopole Facility within 1500 feet of another monopole facilities.
	<b>General Plan:</b> Neighborhood Center Mixed Use.
	<b>Zoning:</b> CN-1 Neighborhood Center Zone.
	<b>Environmental Determination:</b> Exempt, Section 15303 of the State CEQA Guidelines; installation a new telecommunication/light pole. 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: N/A
	<b>Service Delivery District:</b> 2
	<b>City Council District:</b> 1
	<b>Status:</b> Pending
	<b>Action to be Taken:</b> Decision of Application
	<b>Finality of Decision:</b> <i>Appealable to City Council within 10 days</i>
	<b>For Further Information:</b> Contact case planner <b>Jason Madani</b> at (510) 238-4790 or by email: <a href="mailto:jmadani@oaklandnet.com">jmadani@oaklandnet.com</a>



3.                   **Location:**   **The public Right of Way 41<sup>st</sup> Street and Piedmont Avenue. Nearest lot adjacent to the project site. APN: (012-0993-006-01).**
- Proposal:**   The project involves replacement of an existing 23’ tall PG&E utility pole with a new 34’ tall utility pole to install new wireless telecommunication facility; installation of one 24” wide antenna panel and a 4’ wide cross arm mounted at a height of 27’-0””; and associated equipment box, one battery backup and meter box located within a faux mail box located on the ground next to the PG&E pole.
- Applicant:**   Crown Castle
- Contact Person/Phone Number:** Bob Gundermann & Jason Osborn (925) 899-1999
- Owner:**       Pacific Gas & Electric.PG&E
- Case File Number:**   **PLN15-389**
- Planning Permits Required:** Major Conditional Use Permit and Design Review to install a wireless Telecommunication Macro Facility located on a new PG&E pole located in the public right of way in CN-1 zone.
- General Plan:**   Neighborhood Center Mixed Use.
- Zoning:**        CN-1 Neighborhood Center Zone.
- Environmental Determination:** Exempt, Section 15301 and 15303 of the State CEQA Guidelines; minor additions and alterations to an existing utility pole.  
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
- Status:**         Pending
- Action to be Taken:**   Decision of Application
- Finality of Decision:**   *Appealable to City Council*
- For Further Information:**   Contact case planner **Jason Madani** at (510) 238-4790 or by email: **jmadani@oaklandnet.com**



THIS ITEM HAS BEEN CONTINUED TO MAY 18, 2016

<b>3.5</b>	<b>Location:</b>	<b>The Public Right-of-Way adjacent to 5687 Miles Ave.</b>
	<b>Assessor's Parcel Numbers:</b>	<b>(014-1266-006-00)</b>
	<b>Proposal:</b>	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.
	<b>Applicant:</b>	Core Development Services for Verizon Wireless
	<b>Contact Person/ Phone Number:</b>	Ashley Woods (714) 293-5075
	<b>Owner:</b>	PG&E
	<b>Case File Number:</b>	<b>PLN15358</b>
	<b>Planning Permits Required:</b>	Major Regular Design Review to install a wireless Telecommunication Facility onto a replacement utility pole located in public right of way.
	<b>General Plan:</b>	Neighborhood Center Commercial
	<b>Zoning:</b>	CN-1 Neighborhood Center Commercial I Zone
	<b>Environmental Determination:</b>	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.
	<b>Historic Status:</b>	Not A Potential Designated Historic Property (PDHP); Survey rating:
	<b>Service Delivery District:</b>	H
	<b>City Council District:</b>	4
	<b>Date Filed:</b>	11/5/15
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Jose M. Herrera-Preza</b> at <b>(510) 238-3808</b> or <b>jherrera@oaklandnet.com</b>



**4.**                   **Location:** Citywide  
**Proposal:** Review the 2016-2021 Oakland Local Hazard Mitigation Plan and make a recommendation to City Council on the amendment of the Safety Element of the General Plan. .  
**Applicant:** City of Oakland  
**Contact Person/Phone Number:** Devan Reiff, Planner III; 510-238-3550  
**Case File Number:** **GP16001**  
**General Plan:** All General Plan Designations  
**Zoning:** All Zoning Districts  
**Environmental Determination:** Local Hazard Mitigation Plan (LHMP) is exempt from CEQA pursuant to CEQA Guidelines sections 15183(projects consistent with a community plan, general plan, or zoning), 15262 (feasibility and planning studies), 15306 (information collection), and 15061(b)(3) (general rule).  
**Service Delivery District:** All Service Delivery Districts  
**City Council District:** All Council Districts  
**Action to be Taken:** Planning Commission recommendation to City Council on the adoption of the 2016-2021 Local Hazard Mitigation Plan as an amendment to the Safety Element of the Oakland General Plan  
**Finality:** Appealable to City Council within 5 days.  
**For Further Information:** Contact case planner: **Devan Reiff, Planner III**, at **(510) 238-3550** or by email: **dreiff@oaklandnet.com**

**THIS ITEM HAS BEEN CONTINUED TO MAY 18, 2016**

**5.**                   **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 CONTINUED TO MAY 18, 2016

<b>6.</b>	<b>Location:</b>	<b>2633 San Pablo Avenue (APN: 003-005-001-00)</b>
	<b>Proposal:</b>	<del>To establish a Full Service Restaurant that serves Alcoholic Beverages on a restricted street</del>
	<b>Contact Person/Phone Number:</b>	Jason Herbers - 804-314-4727
	<b>Owner:</b>	Evelyn Belford
	<b>Case File Number:</b>	<b>PLN15-341</b>
	<b>Planning Permits Required:</b>	<del>Major Conditional Use Permit to allow a Full Service Restaurant to provide Alcohol Beverage Service on a restricted street per OPC 17.102; Public Convenience and Necessity Findings</del>
	<b>General Plan:</b>	Urban Residential/Mixed Housing Type Residential
	<b>Zoning:</b>	RU-5 Urban Residential Zoning District
	<b>Environmental Determination:</b>	Categorically Exempt, Section 15301 of the California Environmental Quality Act (CEQA) Guidelines; Existing Facilities; 15183 Projects Consistent with Plans
	<b>Historic Status:</b>	Not a Potential Designated Historic Property
	<b>Service Delivery District:</b>	4
	<b>City Council District:</b>	3
	<b>Staff Recommendation:</b>	Approve with Conditions
	<b>Finality of Decision:</b>	Appealable to the City Council within 10 days of decision
	<b>For Further Information:</b>	Contact <b>David Valeska</b> at (510) 238-2075 or <a href="mailto:dvalueska@oaklandnet.com">dvalueska@oaklandnet.com</a>

**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 Planning and Building Department, 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 staff report and recommendation. If the Commission reverses/overturns the staff decision and no alternate findings for decisions 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.

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.



<b>7.</b>	<p><b>Location:</b> 378 11<sup>th</sup> Street (APN: 002-0057-020-00)</p> <p><b>Proposal:</b> Appeal of an Administrative decision to approve a 114 room, 7 story hotel on a vacant lot</p> <p><b>Appellant:</b> Ty Hudson/ Unite Here Local 2850</p> <p><b>Applicant:</b> Dhruv Patel / Oak 378 LLC</p> <p><b>Owner:</b> Salvation Army</p> <p><b>Case File Number:</b> <b>PLN15-096-A01</b></p> <p><b>Planning Permits Required:</b> Minor Conditional Use permits for a new Transient Habitation Commercial Activity and to allow a base height of 85 feet in the D-LM Zone Height Area 275; Regular Design Review for new construction; Minor Variance for one loading berth.</p> <p><b>General Plan:</b> Central Business District</p> <p><b>Zoning:</b> D-LM-3</p> <p><b>Environmental Determination:</b> 15332 – In fill projects; 15183- Projects consistent with a Community Plan, General Plan or Zoning; 15183.3 – Streamlining for In fill projects; and 15164 – Addendum to the 2014 certified Lake Merritt Station Area Plan EIR; Each of which provides a separate and independent basis for CEQA compliance.</p> <p><b>Historic Status:</b> Not a Historic Property</p> <p><b>Service Delivery District:</b> Metro</p> <p><b>City Council District:</b> 3</p> <p><b>Status:</b> The application was approved by the Zoning Manager on March 15, 2016. The approval was subsequently appealed by the appellant on March 25, 2016.</p> <p><b>Action to be Taken:</b> Decision on appeal</p> <p><b>Finality of Decision:</b> Final</p> <p><b>For Further Information:</b> Contact case planner <b>Peterson Z. Vollmann</b> at (510) 238-6167 or by email: <a href="mailto:pvollmann@oaklandnet.com">pvollmann@oaklandnet.com</a>.</p>
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**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 18, 2016

- \*Revised on 4-19-16 to indicate that items 5 and 6 has been continued to May 18, 2016.
- \*Revised on 4-22-16 to indicate that item 3.5 was continued from April 20, 2016.
- \*Revised on 4-28-16 to indicate that item 3.5 has been continued to May 18, 2016.