



Adhi Nagraj, Chair
Emily Weinstein, Vice Chair
Tom Limon
Clark Manus
Amanda Monchamp
Jahmese Myres
Chris Pattillo

March 15, 2017
Regular Meeting

Revised March 6, 2017 - See end of agenda.
Revised March 8, 2017 - See end of agenda.

MEAL GATHERING

5:00pm Max's Diner, 500 12th Street, City Center, 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

6:00pm Council Chambers, 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 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 pm, 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.

Staff reports for items listed on this agenda will generally be available to any interested party by 3:00 p.m. the Friday before the meeting at the Planning and Building Department, 250 Frank H. Ogawa Plaza, Oakland, California 94612.

Staff reports are also available online, generally by 5:00 p.m. the Friday before the meeting, at www.oaklandnet.com/planning (under "Planning Commission.") You will

New online staff report
download instructions

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 a 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。



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. If you wish to be notified of the decision of any of these cases, please provide the case planner with a regular mail or email address.

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 Dalziel Building Garage (located on 16th Street between San Pablo Ave and Clay St) 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 Jonathan Arnold at jarnold@oaklandnet.com or 510-238-6194 or 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:	Utility pole in sidewalk adjacent to: 2101 47 th Ave (towards Melrose Ave)
	Assessor's Parcel Number(s):	Adjacent to: 036-2411-012-00
	Proposal:	To establish a new "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment at up to 21'-3" on a 38'-3" wooden utility pole (replacing existing 38' pole) located in the sidewalk. City light would be relocated higher up pole.
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	Joint Pole Authority (including PG&E)
	Case File Number:	PLN16365
	Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-2 Mixed Housing Type Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15302: Replacement or Reconstruction; Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non historic property
	City Council District:	5
	Date Filed:	November 20, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or by email at arose@oaklandnet.com .

2.	Location:	Utility pole in sidewalk adjacent to: 1301 85 th Ave (along 85 th Ave near A St)
	Assessor's Parcel Number(s):	Adjacent to: 042-4253-024-03
	Proposal:	To establish a new "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment at up to 21'-3" to a 43' wooden utility pole (replacing a 38' pole) located in the sidewalk.
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	Joint Pole Authority (including PG&E)
	Case File Number:	PLN16366
	Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-2 Mixed Housing Type Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15302: Replacement or Reconstruction; Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non historic property
	City Council District:	7
	Date Filed:	November 20, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or by email at arose@oaklandnet.com .



3.	Location:	The public Right of Way in front of 2281 48th Ave on a JPA Utility Pole
	Assessor's Parcel Number(s):	(036-2416-004-00) nearest lot adjacent to the project site.
	Proposal:	Installation of a wireless telecommunication facility on a 38' tall wooden utility pole located in the public right-of-way. The project involves installation of one (1) canister antenna measuring 23.5" long and 7.9" in diameter at a height of 18' and two radio units (7.9" tall and 7.9" wide) mounted at a height of 10'-6" and 13'-11" above ground.
	Applicant:	Black & Veatch for Extenet Systems
	Contact Person / Phone Number:	Ana Gomez of Black & Veatch (913) 458-9148
	Owner:	Pacific Gas & Electric. (PG&E)
	Case File Number:	PLN16360
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunications Facility one (1) telecommunications canister antenna on an existing PG&E pole located in the public right -of- way in a residential zone.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-2 Mixed Housing Type Residential
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; new construction or conversion of small structures; Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	No Historic Record – Utility Pole
	City Council District:	4
	Date Filed:	November 20, 2016
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandnet.com .

4.	Location:	The public Right of Way in front of 2175 Vicksburg Ave on a JPA Utility Pole
	Assessor's Parcel Number(s):	(036-2419-00-100) nearest lot adjacent to the project site.
	Proposal:	Installation of a wireless telecommunication facility on a wooden utility pole located in the public right-of-way. The project involves replacement of an existing 40' tall wood utility pole with a new class 2 PG&E pole measuring 40' tall to install one (1) canister antenna measuring 23.5" long and 7.9" in diameter at a height of 18' and two radio units (7.9" tall and 7.9" wide) mounted at a height of 10'-6" above ground.
	Applicant:	Black & Veatch for Extenet Systems
	Contact Person/ Phone Number:	Ana Gomez of Black & Veatch (913) 458-9148
	Owner:	Pacific Gas & Electric. (PG&E)
	Case File Number:	PLN16361
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunications Facility one (1) telecommunications canister antenna to a replaced PG&E pole located in the public right -of- way in a residential zone.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-2 Mixed Housing Type Residential
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; minor additions and alterations to a replaced PG&E utility pole; Exempt, Section 15302 of the State CEQA Guidelines; replacement or reconstruction of existing utility systems and/or facilities; Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	No Historic Record – Utility Pole
	City Council District:	4
	Date Filed:	November 20, 2016
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandnet.com .



5.	Location:	The Public Right-of-Way Adjacent to 1059 86th Ave.
	Assessor's Parcel Number(s):	Nearest adjacent lot (042-4266-003-02)
	Proposal:	To establish a telecommunications facility, to enhance existing services, by attaching an antenna and equipment to a replaced wooden utility pole located in the public right-of-way (sidewalk). A new 47' tall wooden utility pole will replace an existing 47' tall wooden utility pole.
	Applicant:	Extenet Systems (California) LLC. (for T-Mobile USA, INC)
	Contact Person/ Phone Number:	Ana Gomez (913) 458-9148
	Owner:	Joint Pole Authority (JPA) including PG&E
	Case File Number:	PLN16370
	Planning Permits Required:	Major Design Review to install a wireless Telecommunication Macro Facility on a PG&E replacement pole located in RM-1 Zone.
	General Plan:	Mixed Housing Type
	Zoning:	RM-1 Mixed Housing Type Residential Zone.
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; New construction or conversion of small structures. 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; Survey rating: n/a
	City Council District:	7
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact case planner Danny Thai at (510) 238-3584 or by email at dthai@oaklandnet.com .

6.	Location:	The Public Right-of-Way Adjacent to 1707 28th Ave.
	Assessor's Parcel Number(s):	Nearest adjacent lot (025 073100700)
	Proposal:	To establish a telecommunications facility, to enhance existing services, by attaching an antenna and equipment to a replaced wooden utility pole located in the public right-of-way (sidewalk). A new 47' tall wooden utility pole will replace an existing 43' tall wooden utility pole.
	Applicant:	Extenet Systems (California) LLC. (for T-Mobile USA, INC)
	Contact Person/ Phone Number:	Ana Gomez (913) 458-9148
	Owner:	Joint Pole Authority (JPA) including PG&E
	Case File Number:	PLN16385
	Planning Permits Required:	Major Design Review to install a wireless Telecommunication Macro Facility on a PG&E replacement pole located in RM-3 Zone.
	General Plan:	Mixed Housing Type
	Zoning:	RM-3 Mixed Housing Type Residential Zone.
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; New construction or conversion of small structures. 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; Survey rating: D3
	City Council District:	5
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact case planner Danny Thai at (510) 238-3584 or by email at dthai@oaklandnet.com .



This item has been continued to the April 5, 2017, Planning Commission meeting.

7.	Location:	4721-4723 Tidewater Avenue, Suite C
	Assessor's Parcel Number(s):	034-2300-020-00
	Proposal:	To upgrade an approved beer club business operated weekdays with a 4:00 p.m. closing time in a 3,500 square-foot warehouse space by: (1) adding liquor and (2) extending the closing time until 8:00 p.m. The business would continue to operate primarily by drop-shipments with minimal on-site retail sales. (Project would require an ABC type 21 license.)
	Applicant / Phone Number:	Claude Burns / Noble Brewer Beer Company (301) 536-1934
	Owner:	The Eggen Family Trust
	Case File Number:	PLN14276-R01
	Planning Permits Required:	Revision to amend: Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales Commercial Activity; Findings for Public Convenience or Necessity; Variance for alcoholic beverage sales within 1,000 feet of civic uses (park)
	General Plan:	Estuary Plan: Planned Waterfront District 3
	Zoning:	D-CE-5 Central Estuary District Zone (Food Industry Cluster/High St. Warehouse Wedge/Tidewater South)
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic property
	City Council District:	5
	Date Filed:	October 31, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or by email at arose@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.

This item was continued from the March 1, 2017, Planning Commission agenda.

8.	Project Name:	Eve's Waterfront Nightclub
	Location:	15 Embarcadero West; (APN: 018-0425-012-00)
	Proposal:	To allow a Group Assembly Activity (nightclub) and Alcohol Beverage Sales Activity in a facility that is currently a full-service restaurant.
	Applicant:	Chris Malki
	Phone Number:	(925) 788-3737
	Owner:	Capital Financial, LLC
	Case File Number:	PLN14-298-R01 (Revision)
	Planning Permits Required:	Major Conditional Use Permit for Alcohol Beverage Sales Commercial; Minor Conditional Use Permit for Group Assembly (nightclub with up to 450 persons). A Minor Conditional Use Permit (Case File: PLN14298) for a full-service restaurant with alcoholic beverage service was previously approved on January 2, 2015 and is operational.
	General Plan:	Waterfront Mixed-Use District per the Estuary Policy Plan
	Zoning:	R-80 High-Rise Apartment Residential Zone <i>A December 15, 2016 Zoning Best Fit Determination by the Zoning Manager allows Group Assembly with approval of a Conditional Use Permit (Case File: DET16-0144)</i>
	Environmental Determination:	Categorically Exempt under the California Environmental Quality Act (CEQA) Guidelines per Section 15301, Existing Facilities; Section 15332, Infill Development Projects; and Section 15183 Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Not a Potentially Designated Historic Property
	City Council district	3
	Staff Recommendation	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For further information:	Contact case planner David Valeska at (510)238-2075 or at dvalueska@oaklandnet.com



This item has been continued to the April 19, 2017, Planning Commission meeting.

9.	Location:	Jack London Square Development Project: Sites D at Broadway and F2 at Harrison Street (south of Embarcadero).
	Assessor's Parcel Numbers:	018-0415-001-01
	Proposal:	Final Development Permits for Sites D and F2.
	Applicant / Contact Person:	CIM Group, Sean Buran: p: (323) 860-1811
	Owner:	CIM Group
	Case File Number:	PUD13170-PUDF-01 and -02
	Planning Permits Required:	Final Development Permits for Sites D and F2 of Jack London Square Planned Unit Development Project.
	General Plan:	Site D=Retail, Dining and Entertainment-1; and Site F2=Waterfront Commercial Recreation-1.
	Zoning:	C-45 Community Shopping Commercial Zone
	Environmental Determination:	Final EIR certified on March 17, 2004 by the Planning Commission; Addendum #1 approved on September 23, 2014.
	Historic Status:	None for affected sites.
	City Council District:	3—Lynette Gibson McElhaney
	Date Filed:	June 30, 2016
	Status:	Design Review Committee review on February 22, 2017.
	Action to be Taken:	Consider approval of FDPs for Sites D and F2
	Staff Recommendation:	Take public testimony, close the public hearing and consider decision.
	Finality of Decision:	Appealable to City Council.
	For Further Information:	Contact the case planner Catherine Payne at (510) 238-6168 or by email at cpayne@oaklandnet.com .

10.	Location:	5441 International Blvd
	Assessor's Parcel Number(s):	041-3848-001-00
	Proposal:	Public Hearing on the Draft Environmental Impact Report to obtain comments on the environmental analysis related to a proposal to demolish all of the existing buildings on the subject property, which includes the demolition of historic resources.
	Applicant:	The General Electric Company
	Contact Person/Phone Number:	Lance Hauer -- (610) 992-7972
	Owner:	The General Electric Company
	Case File Number:	ER11011
	Planning Permits Required:	Regular Design Review for demolition.
	General Plan:	General Industrial, Neighborhood Center Mixed Use
	Zoning:	IG/S-19, General Industrial/ Health and Safety Protection Zone CN-3, Neighborhood Commercial Zone - 3
	Environmental Determination:	Draft Environmental Impact Report was published for a 45-day review period from February 10, 2017 to March 27, 2017.
	Historic Status:	57 th Avenue Industrial District (API) OCHS Ratings: Building 1, Rating A1+, API Anchor; Building 2: Dc1+, API contributor
	City Council District:	5
	Action to be Taken:	Receive public and Planning Commission comments on the Draft Environmental Impact Report
	For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email at pvollmann@oaklandnet.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 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/overtakes 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.

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: April 5, 2017

Revised March 6, 2017, to reflect continuance of Item #7 to the April 5, 2017, Planning Commission meeting.
Revised March 8, 2017, to reflect continuance of Item #9 to the April 19, 2017, Planning Commission meeting.