



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

**April 5, 2017
Regular Meeting**

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.

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 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 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:	The Public Right-of-Way adjacent to 2133 90th Avenue
	Assessor’s Parcel Number(s):	043 -4598-001-02
	Proposal:	The installation of an unmanned wireless telecommunications facility onto an existing public utility pole in the right-of-way on 90 th Avenue; facility includes one canister antenna mounted at approximately at 21’-3” pole height and associated equipment will be mounted onto the pole approximately 10’ above the right-of-way. All public utilities will remain on the pole.
	Applicant:	ExteNet Systems (California) LLC, c/o Matthew Yergovich
	Contact Person/ Phone Number:	Ana Gomez / Black & Veatch (913) 458-9148
	Owner:	City of Oakland
	Case File Number:	PLN16316
	Planning Permits Required:	Major Design Review (non-residential) to install a wireless Macro Telecommunications Facility (17.136.050 (B)(2); Additional Findings for a Macro Facility (OMC Sec. 17.128.070(B)(C)..
	General Plan:	Urban Residential
	Zoning:	CN-4 Neighborhood Center Mixed Use 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:
	City Council District:	7
	Date Filed:	10/14/16
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or by email at jherrera@oaklandnet.com .



2.	Location:	Utility pole in sidewalk adjacent to: 4576 Thompson Street
	Assessor's Parcel Number(s):	036-2413-019-00
	Proposal:	To establish a new "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment on a wooden utility pole located in the sidewalk.
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	Extenet et al.
	Case File Number:	PLN16407
	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:	December 2, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandnet.com .

3.	Location:	Utility pole in sidewalk adjacent to: 9003 B Street
	Assessor's Parcel Number(s):	044-4955-001-01
	Proposal:	To establish a new "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment on a wooden utility pole located in the sidewalk.
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	Extenet et al.
	Case File Number:	PLN16408
	Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Detached Unit Residential
	Zoning:	RD-1 Detached Unit 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:	December 2, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandnet.com .



4.	Location:	Utility pole in sidewalk adjacent to: 2701 Foothill Blvd
	Assessor's Parcel Number(s):	025-0733-001-01
	Proposal:	To establish a new "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment to a wooden utility pole located in the sidewalk.
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	Extenet et al.
	Case File Number:	PLN16386
	Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Urban Residential
	Zoning:	RU-5 Urban 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 22, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Danny Thai at (510) 238-3584 or by email at dthai@oaklandnet.com .

5.	Location:	Utility pole in sidewalk adjacent to: 8801 D St (near 88 th Ave)
	Assessor's Parcel Number(s):	042-4278-001-00
	Proposal:	To establish a "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment up to 21'-3" on a 42' wooden utility pole located in the public right-of-way (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:	PLN16369
	Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Detached Unit Residential
	Zoning:	RD-1 Detached Unit 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 Marilu Garcia at (510) 238-5217 or by email at mgarcia2@oaklandnet.com .



6.	Location:	Utility pole in sidewalk adjacent to 1967 88th Avenue, west side near Olive St
	Assessor's Parcel Number(s):	043-4593-003-00
	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 22'-9" on a 42'-6" wooden utility pole (replacing a 37' 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:	PLN16388
	Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Detached Unit Residential
	Zoning:	RD-1 Detached Unit 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 22, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or by email at arose@oaklandnet.com .

7.	Location:	1419 34th Ave
	Assessor's Parcel Number(s):	033-2123-016-03
	Proposal:	To allow "Restore Oakland" to establish a multi-use facility to include a Full Service Restaurant "COLORS" with a Type 41 ABC License, A Community Assembly Space "Ella Baker Center for Human Rights" , A Community Education "Restaurant Opportunity Center United (ROC), A Custom Manufacturing activity "COLORS Co Op Academy" to serve a commissary kitchen and administrative offices.
	Applicant:	Restore Oakland, LLC
	Contact Person/Phone Number:	Shelley Roberts (510) 912-5080
	Case File Number:	PLN16448
	Planning Permits Required:	Major Conditional Use Permit to allow a Type 41 "Beer & Wine" Alcoholic Beverage Sales Activity in conjunction with a full service restaurant on a restricted street; Minor Conditional Use Permit to allow a Community Education, Community Assembly, Custom Manufacturing and administrative offices on the ground floor. Regular Design Review for facade improvements and rear additions to the building.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-2 Neighborhood Center 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:	Fruitvale Commercial, Area of Secondary Importance (ASI); Survey rating: Cb+2+
	City Council District:	5
	Date Filed:	12/20/16
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Jose M Herrera-Preza at (510) 238-3808 or by email at jherrera@oaklandnet.com .



8.	Location:	2935 Market Street
	Assessor's Parcel Number(s):	005 -0452-005-00
	Proposal:	To allow the sale of beer and wine (Type 41 ABC License) at a full service restaurant "Spinning Dough". Hours of operation will be seven days a week 11:30am -9:00pm.
	Applicant / Phone Number:	Jeffery K. Chin (415) 999-0657
	Owner:	Hsien Chu
	Case File Number:	PLN17009
	Planning Permits Required:	Major Conditional Use Permit to serve alcoholic beverages at a Full Service Restaurant Commercial Activity located along a 'restricted street' (OMC Sec. 17.103.030.B.2)
	General Plan:	Community Commercial
	Zoning:	CC-2 Community Commercial Zone
	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:	3
	Date Filed:	January 9, 2017
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or by email at jherrera@oaklandnet.com .

9.	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:	<i>Appealable to City Council</i>
	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.

10.	Location:	3268 San Pablo Ave
	Assessor's Parcel Number(s):	009-0722-007-00
	Proposal:	To demolish existing structure and construct a new 51-unit senior housing development involving incentives/concessions for affordable housing.
	Owner:	Satellite Affordable Housing Associates (SAHA)
	Applicant:	Devin Nicole Ellin (510)809-2772
	Case Number:	PLN17026
	Planning Permits Required:	Major Conditional Use Permit for 75% senior housing density bonus; and Design Review for new construction.
	General Plan:	Urban Residential
	Zoning:	RU-5 Urban Residential Zone
	Environmental Determination:	Exempt Section 15332 and also relies on previous West Oakland Specific Plan (WOSP) EIR; and Section 15183 of the CEQA Guidelines (projects consistent with a community plan, general plan, or zoning).
	Historic Status:	Not a Potentially Designated Historic Property (PDHP); Survey Rating: *d3
	City Council District:	3
	Status:	Pending
	Action to be Taken:	Decision based on staff report.
	For Further Information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com



11.	Location:	1314 Franklin Street
	Assessor's Parcel Number(s):	002-0055-001-00
	Proposal:	Proposal to demolish the existing auto fee parking garage and construct a new mixed use development with approximately 16,500 square feet of ground floor retail and 634 dwelling units. The proposal includes application of density bonus provisions of Section 17.107 of the Planning Code for the inclusion of low income housing for a density bonus of 20% and requesting one development concession for maximum height. The proposed tower on the project site would be approximately 400 feet in height.
	Applicant:	Carmel Partners
	Contact Person/Phone Number:	Greg Pasquali – (415) 231-0221
	Owner:	CO VI Franklin, LLC
	Case File Number:	PLN16295
	Planning Permits Required:	Regular Design Review for new construction, Major Conditional Use Permits for a large project in the D-LM Zone in excess of 200,000 square feet and Height Exception to allow the D-LM 275 Height Zone regulations, Minor Conditional use Permit to allow a base height of up to 85 feet and increase in the minimum tower dimensions by 30%, and Vesting Tentative Parcel Map for new condominiums.
	General Plan:	Central Business District
	Zoning:	D-LM-2 Zone/ D-LM-3 / D-LM-4 Zone Height Area D-LM 175
	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 Lake Merritt Station Area 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, 2 nd Floor or on-line at http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157
	Historic Status:	Not a historic property
	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 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/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.

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 19, 2017