Oakland City Planning Commission AGENDA

Adhi Nagraj, Chair
Jahmese Myres, Vice Chair
Jonathan Fearn
Tom Limon
Clark Manus
Amanda Monchamp
Emily Weinstein

September 6, 2017
Regular Meeting

Revised 9/1/17 – 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 **Sgt Mark Dunakin Hearing Room 1, City Hall, 1 Frank 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 devise, 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。

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 Draft 2018 Meeting Calendar.

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:	**Wooden utility JPA pole in public right-of-way (sidewalk) adjacent to 1306 88th Avenue**
Assessor's Parcel Number(s):	**Adjacent to 042-4269-018-01**
Proposal:	To install a new "small cell site" telecommunications facility for T-Mobile on an existing 46' tall JPA utility pole located in the Public Right-of-Way (sidewalk). The project involves the installation of one (1) antenna panel measuring 23.5 inches long and 7.9 in diameter, located within a shroud, at a height of 18' and equipment at 7'-4" to 13'-11" above ground-level.
Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
Owner:	City of Oakland
Case File Number:	**PLN16389**
Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
General Plan:	Detached Unit Residential
Zoning:	Detached Unit Residential - 1 Zone (RD-1)
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:	*Appealable to City Council*
For Further Information:	Contact Case Planner **Marilu Garcia** at **(510) 238-5217** or by email at **mgarcia2@oaklandnet.com.**

2. Location:	**Wooden utility JPA pole in public right-of-way adjacent to 8135 International Boulevard**
Assessor's Parcel Number(s):	**Adjacent to 042-4247-076-01**
Proposal:	To install a new "small cell site" telecommunications facility for T-Mobile on an existing 41' tall utility JPA pole located in the Public Right-of-Way (sidewalk). The project involves the installation of one (1) antenna panel measuring 23.5 inches long and 7.9 in diameter, located within a shroud, at a height of 18' and equipment at 7'-4" to 13'-11" above ground-level.
Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
Owner:	City of Oakland
Case File Number:	**PLN16411**
Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
General Plan:	Urban Residential
Zoning:	Urban Residential - 4 Zone (RU-4)
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:	*Appealable to City Council*
For Further Information:	Contact Case Planner **Marilu Garcia** at **(510) 238-5217** or by email at **mgarcia2@oaklandnet.com.**

3. Location:	**City street light pole in public right-of-way (sidewalk) adjacent to 1775 Broadway**
Assessor's Parcel Number(s):	**Adjacent to 008-0640-002-00**
Proposal:	To install a new "small cell site" telecommunications facility for T-Mobile on an existing 25' tall City street light pole located in the Public Right-of-Way (sidewalk). The project involves the installation of one (1) antenna panel measuring 23.5 inches long and 7.9 in diameter, located within a shroud, at a height of 27'-1" and equipment at 9' to 15'-1" above ground-level.
Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
Owner:	City of Oakland
Case File Number:	**PLN16307**
Planning Permits Required:	Major Conditional Use Permit with additional findings for Monopole Telecommunications Facility; Minor Variance for Monopole adjacent to Residential Use; Regular Design Review with additional findings for Monopole Telecommunications Facility
General Plan:	Central Business District
Zoning:	Central Business District Pedestrian Retail Commercial Zone (CBD-P)
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:	API: Uptown Commercial; OCHS: Ec1*
City Council District:	3
Date Filed:	November 17, 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.**

4. Location:	**The Public Right-of-Way near 222 19th Street**
Assessor's Parcel Number(s):	**Adjacent to 008-0634-003-00**
Proposal:	Installation of a wireless "small cell site" telecommunications facility on an existing 27' tall City street light pole located in the public right-of-way. The project involves installation of one (1) antenna measuring 24" long and 14.6" in diameter located within shroud at a height of 31'-2" and two radio units (12.05" wide and 27.17" tall and 7.01" deep) mounted at a height of 16' and 17'-8" above ground; a fiber splice box measuring 6 3/4" tall, 4 ¾" wide and 2 1/8" deep mounted on the pole at 3'-4".
Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: Verizon Wireless) (913) 458-9148
Owner:	City of Oakland
Case File Number:	**PLN17116**
Planning Permits Required:	Major Conditional Use Permit and Design Review to install a wireless Monopole Telecommunications Facility on existing city light pole located in the public right -of- way in a residential zone.
General Plan:	Central Business District
Zoning:	CBD-R Central Business, Residential Zones.
Environmental Determination:	Exempt per Sections 15301 of the State CEQA Guidelines, minor additions & alterations to an existing city light pole; Section 15303, new construction/conversion of small structures; & Section 15183, projects consistent with a community plan, general plan or zoning.
Historic Status:	Non-historic property
City Council District:	3
Date Filed:	April 29, 2017
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 **Jason Madani, Planner II** at **(510) 238-4790** or by email at **jmadani@oaklandnet.com**.

5. Location:	**Wooden Utility JPA pole in public right-of-way (sidewalk) adjacent to 1938 Seminary Ave**
Assessor's Parcel Number(s):	**Adjacent to 038-3214-005-00**
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 52' wooden utility pole in the public right-of-way (sidewalk).
Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (913) 458-9148
Pole Owner:	Extenet, et al
Case File Number:	**PLN16301**
Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
General Plan:	Mixed Housing Type Residential
Zoning:	RM-4 Mixed Housing Type Residential Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15302: Replacement or Reconstruction; 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:	6
Date Filed:	October 4, 2016
Action to be Taken:	Approval with conditions
Finality of Decision:	*Appealable to City Council within 10 days*
For further information:	Contact Case Planner **Caesar Quitevis** at **(510) 238-6343** or by email at **cquitevis@oaklandnet.com**.

6. Location:	**Wooden Utility JPA pole in public right-of-way (sidewalk) adjacent to 1824 55th Avenue**
Assessor's Parcel Number(s):	**Adjacent to 038-3228-005-01**
Proposal:	To establish a "small cell site" telecommunications facility, in order, to enhance existing services, by attaching an antenna and equipment up to 25'-3" on a 42' wooden utility pole in the public right-of-way (sidewalk).
Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (913) 458-9148
Pole Owner:	Extenet, et al
Case File Number:	**PLN16306**
Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
General Plan:	Detached Unit Residential
Zoning:	RD-2 Detached Unit Residential Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15302: Replacement or Reconstruction; 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:	6
Date Filed:	October 7, 2016
Action to be Taken:	Approval with conditions
Finality of Decision:	*Appealable to City Council within 10 days*
For further information:	Contact Case Planner **Caesar Quitevis** at **(510) 238-6343** or by email at **cquitevis@oaklandnet.com**.

7. Location:	**2000 MacArthur Blvd**
Assessor's Parcel Number(s):	**029A-1301-022-00**
Proposal:	To revise conditions of approval for a restaurant regarding sale of alcoholic beverages (upgrade ABC license for beer & wine to include liquor), and, hours of operation (10:00 P.M. closing time would be extended to 10:30 P.M. Thursdays-Saturdays)
Applicant / Phone Number:	Mr. Phillip Bell (510) 435-2118
Owner:	Same
Case File Number:	**CM10009-R01**
Planning Permits Required:	Revision to Major Conditional Use Permit # CM10-009 approved February 17, 2010 to amend Conditions of Approval #30b (ABC license type) & 30d (closing time)
General Plan:	Neighborhood Center Mixed Use
Zoning:	CN-1 Neighborhood Commercial Zone
Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved; 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:	November 13, 2014
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.**

8. Location:	**581 Eldorado Avenue**
Assessor's Parcel Number(s):	**012-0932-010-00**
Proposal:	The project involves construction of three (3) detached, two-story dwelling units on a 7,844-square foot vacant, up-sloped lot; Three (3) off-street parking spaces are provided with a common driveway. The proposal will also create three (3) new condominium units.
Applicant/Owner:	Modern Partners, LLC
Contact Person/Phone:	David Rucker (510) 421-2605
Case File Number:	**PLN17283, TPM10737**
Planning Permits Required:	Major Conditional Use Permit to allow three (3) residential dwellings in the RM-2 zone; Regular Design Review to construct three (3), detached, two-story dwelling units. Tentative Parcel Map (TPM10737) to create three (3) new residential condominiums.
General Plan:	Mixed Housing Type Residential
Zoning:	RM-2 Zone
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines: New construction of small structures; Section 15315, division of multiple family dwellings into common-interest ownership and; Section 15183: Projects consistent with a Community Plan, General Plan or Zoning
Historic Status:	N/A, vacant lot
City Council District:	1
Date Filed:	07/26/17
Finality of Decision:	Appealable to City Council within 10 calendar days
For Further Information:	Contact Case Planner **Jason Madani** at **(510) 238-4790** or by email at **jmadani@oaklandnet.com.**

9. Location:	**325 7th Street**
Assessor's Parcel Number(s):	**001-0189-003-00; 001-0189-009-00; 001-0189-013-00; 001-0189-014-00;**
Proposal:	Extension of the planning entitlements for previously-approved mixed-use 380-unit residential and 9,110 square-foot commercial space.
Owner/Applicant:	325 7th Street, LLC (510)763-2911
Case Number:	**CMDV06573**
Planning Permits Required:	Extension of the Major Conditional Use Permit for a large-scale development over 100,000 square feet of new floor area or more and one hundred twenty (120) feet in height; Interim Major Conditional Use Permit for a Floor Area Ratio (FAR) that exceeds zoning but is consistent with the General Plan; Minor Variances for dimensions of parking spaces, dimensions of parking spaces against a column or other obstruction, tandem parking spaces and rear yard setback and Major Design Review
General Plan:	Central Business District
Zoning:	D-LM 2 & D-LM 4 Lake Merritt Station Area District
Environmental Determination:	EIR (ER07-0002) prepared for project; and Section 15183 of the CEQA Guidelines (projects consistent with a community plan, general plan, or zoning).
Historic Status:	Area of Primary Importance (API)
City Council District:	2
Status:	Planning Commission approval on July 20, 2011. Entitlements extended through December 31, 2016. Time Extension request was filed on December 5, 2016 but hearing has been delayed to correspond with proposed revisions under CMDV06573-R01.
Staff Recommendation:	Decision based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact Case Planner **Maurice Brenyah-Addow** at **(510) 238-6342 or** by email at **mbrenyah@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:	**325 7th Street**
Assessor's Parcel Number(s):	**001-0189-003-00; 001-0189-009-00; 001-0189-013-00; 001-0189-014-00;**
Proposal:	To revise previously-approved mixed-use project to reduce the residential units from 380 units to 160 residential units and increase the commercial space from 9,110 to 11,243 square-feet.
Owner:	325 7th Street, LLC
Applicant:	325 7th Street, LLC. (510)763-2911
Case Number:	**CMDV06-573-R01**
Planning Permits Required:	Revision to previously-approved project involving a Major Conditional Use Permit, Design Review and updated Tentative Parcel Map;
General Plan:	Central Business District
Zoning:	D-LM 2 & D-LM 4 Lake Merritt Station Area District
Environmental Determination:	The revised project relies on the previously prepared 325 7th Street EIR (ER07-0002) (2011 EIR) as well as City of Oakland General Plan Land Use and Transportation Element (LUTE)(1998), Housing Element; Lake Merritt Station Area Plan EIR (ER11-001)(2011); A detailed CEQA Analysis prepared for this project concluded that the proposed project, separately and independently, 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 – Addenda to the 2011 EIR. The CEQA Analysis document may be reviewed at the Planning Bureau offices at 250 Frank Ogawa Plaza, 2nd Floor, Oakland CA 94612, or online-at: http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak065545.pdf
Historic Status:	Area of Primary Importance (API)
City Council District:	2
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.**

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 July 19, 2017, and August 2, 2017, Planning Commission meeting 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: September 27, 2017

Revised 9/1/17 to reflect a room change to Sgt Mark Dunakin Hearing Room 1.