



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

**September 27, 2017**  
**Regular Meeting**

Revised September 13, 2017 – See end of agenda.

**MEAL GATHERING**

**5:00pm** Max's Diner, 500 12<sup>th</sup> 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.**

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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 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](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](http://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 16<sup>th</sup> 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](mailto:jarnold@oaklandnet.com) or 510-238-6194 or 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.

|           |                                      |                                                                                                                                                                                                                                                                                         |
|-----------|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.</b> | <b>Location:</b>                     | <b>The Public Right-of-Way Adjacent to 2215 86<sup>th</sup> Ave.</b>                                                                                                                                                                                                                    |
|           | <b>Assessor’s Parcel Number(s):</b>  | <b>Nearest adjacent lot: 043-457-0018-00</b>                                                                                                                                                                                                                                            |
|           | <b>Proposal:</b>                     | To establish a telecommunications facility, to enhance existing services, by attaching an antenna and equipment to an existing wooden utility pole located in the public right-of-way (sidewalk). The new 43’ wooden utility pole will replace the existing 37’-6” wooden utility pole. |
|           | <b>Applicant:</b>                    | Extenet Systems (California) LLC. (for T-Mobile USA, INC)                                                                                                                                                                                                                               |
|           | <b>Contact Person/ Phone Number:</b> | Ana Gomez (913) 458-9148                                                                                                                                                                                                                                                                |
|           | <b>Owner:</b>                        | Joint Pole Authority (JPA) including PG&E                                                                                                                                                                                                                                               |
|           | <b>Case File Number:</b>             | <b>PLN16383</b>                                                                                                                                                                                                                                                                         |
|           | <b>Planning Permits Required:</b>    | Major Design Review to install a wireless Telecommunication Macro Facility on a PG&E replacement pole located in RM-3 Zone.                                                                                                                                                             |
|           | <b>General Plan:</b>                 | Mixed Housing Type                                                                                                                                                                                                                                                                      |
|           | <b>Zoning:</b>                       | RM-3 Mixed Housing Type Residential Zone.                                                                                                                                                                                                                                               |
|           | <b>Environmental Determination:</b>  | 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.                                                          |
|           | <b>Historic Status:</b>              | Not a Potential Designated Historic Property; Survey rating: n/a                                                                                                                                                                                                                        |
|           | <b>City Council District:</b>        | 6                                                                                                                                                                                                                                                                                       |
|           | <b>Finality of Decision:</b>         | Appealable to City Council within 10 Days                                                                                                                                                                                                                                               |
|           | <b>For Further Information:</b>      | Contact case Planner <b>Danny Thai</b> at (510) 238-3584 or by email at <b>dthai@oaklandnet.com</b> .                                                                                                                                                                                   |



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| <b>2.</b> | <b>Location:</b>                     | <b>The Public Right of Way near 2018 San Pablo Avenue on a City Light Pole</b>                                                                                                                                                                                                                                                                                                                                                                                                                          |
|           | <b>Assessor's Parcel Number(s):</b>  | <b>Nearest adjacent lot: 008-0714-005-00</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|           | <b>Proposal:</b>                     | Installation of a wireless telecommunication facility on an existing 28' City 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'-6" and two radio units (12.05" wide and 27.17" tall and 7.01" deep) will be mounted at a height of 17'-9" and 21' above ground; a fiber splice box measuring 6 3/4" tall, 4 3/4" wide and 2 1/8 "deep mounted on the pole at 3'-4". |
|           | <b>Applicant:</b>                    | Black & Veatch for Extenet Systems/Verizon Wireless                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|           | <b>Contact Person/ Phone Number:</b> | Ana Gomez of Black & Veatch (913) 458-9148                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|           | <b>Owner:</b>                        | City of Oakland                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|           | <b>Case File Number:</b>             | <b>PLN17135</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|           | <b>Planning Permits Required:</b>    | Major Conditional Use Permit and Design Review to install a wireless Monopole Telecommunications Facility on an existing City light pole located in the public right -of-way within 100' of a residential zone.                                                                                                                                                                                                                                                                                         |
|           | <b>General Plan:</b>                 | Central Business District                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|           | <b>Zoning:</b>                       | CBD-X Central Business District Mixed Commercial Zone.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|           | <b>Environmental Determination:</b>  | Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing PG&E utility pole; Section 15303, 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.                                                                                                                                                                                         |
|           | <b>Historic Status:</b>              | No Historic Record – City light Pole                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|           | <b>City Council District:</b>        | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|           | <b>Date Filed:</b>                   | May 3, 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|           | <b>Finality of Decision:</b>         | Appealable to City Council within 10 Days                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|           | <b>For Further Information:</b>      | Contact case planner <b>Jason Madani</b> at (510) 238-4790 or by email at <b>jmadani@oaklandnet.com</b> .                                                                                                                                                                                                                                                                                                                                                                                               |

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| <b>3.</b> | <b>Location:</b>                     | <b>The Public Right of Way near 1850 Alice Street on a City Light Pole</b>                                                                                                                                                                                                                                                                                                                                                                                                                           |
|           | <b>Assessor's Parcel Number(s):</b>  | <b>Nearest adjacent lot: 008-0627-038-03</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|           | <b>Proposal:</b>                     | Installation of a wireless telecommunication facility on an existing 26' City 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 30' and two radio units (12.05" wide and 27.17" tall and 7.01" deep) will be mounted at a height of 12'-9" and 16' above ground; a fiber splice box measuring 6 3/4" tall, 4 3/4" wide and 2 1/8 "deep mounted on the pole at 5'-5". |
|           | <b>Applicant:</b>                    | Black & Veatch for Extenet Systems/Verizon Wireless                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|           | <b>Contact Person/ Phone Number:</b> | Ana Gomez of Black & Veatch (913) 458-9148                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|           | <b>Owner:</b>                        | City of Oakland                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|           | <b>Case File Number:</b>             | <b>PLN17171</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|           | <b>Planning Permits Required:</b>    | Major Conditional Use Permit and Design Review to install a wireless Monopole Telecommunications Facility on an existing City light pole located in the public right -of-way within a residential zone.                                                                                                                                                                                                                                                                                              |
|           | <b>General Plan:</b>                 | Central Business District                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|           | <b>Zoning:</b>                       | CBD-R Central Business District Residential Zone.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|           | <b>Environmental Determination:</b>  | Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing PG&E utility pole; Section 15303, 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.                                                                                                                                                                                      |
|           | <b>Historic Status:</b>              | No Historic Record – City light Pole                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>City Council District:</b>        | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|           | <b>Date Filed:</b>                   | May 8, 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|           | <b>Finality of Decision:</b>         | Appealable to City Council within 10 Days                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|           | <b>For Further Information:</b>      | Contact case planner <b>Jason Madani</b> at (510) 238-4790 or by email at <b>jmadani@oaklandnet.com</b> .                                                                                                                                                                                                                                                                                                                                                                                            |



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| <b>4.</b> | <b>Location:</b>                    | City Street light pole in public right-of-way (sidewalk) adjacent to 99 Embarcadero W. (Intersection of Embarcadero W. and Alice St.)                                                                                                                                                                                                                                                                                       |
|           | <b>Assessor's Parcel Number(s):</b> | Nearest adjacent lot: 018-0425-002-40                                                                                                                                                                                                                                                                                                                                                                                       |
|           | <b>Proposal:</b>                    | To install new "small cell site" Monopole Wireless Communications Facility to improve services by placing one canister antenna (24" long and 14.6" in diameter) within an antenna shroud at the top of an existing 28' City Street light pole, located in the public Right-of-Way. The antenna and shroud would be up to 31'-6" in height and related equipment mounted at a height of 10'-6" and 15'-3" above ground-level |
|           | <b>Applicant / Phone Number:</b>    | Ana Gomez/Black & Veatch & Extenet (for: Verizon) (913) 458-9148                                                                                                                                                                                                                                                                                                                                                            |
|           | <b>Owner:</b>                       | City of Oakland                                                                                                                                                                                                                                                                                                                                                                                                             |
|           | <b>Case File Number:</b>            | PLN17139                                                                                                                                                                                                                                                                                                                                                                                                                    |
|           | <b>Planning Permits Required:</b>   | Major Conditional Use Permit with additional findings for Monopole Telecommunications Facility in a Residential Zone; Regular Design Review with additional findings for Monopole Telecommunications Facility                                                                                                                                                                                                               |
|           | <b>General Plan:</b>                | EPP Waterfront Mixed Use                                                                                                                                                                                                                                                                                                                                                                                                    |
|           | <b>Zoning:</b>                      | High-Rise Apartment Residential Zone (R-80)                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>Environmental Determination:</b> | 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                                                                                                                                                |
|           | <b>Historic Status:</b>             | Non-historic property                                                                                                                                                                                                                                                                                                                                                                                                       |
|           | <b>City Council District:</b>       | 3                                                                                                                                                                                                                                                                                                                                                                                                                           |
|           | <b>Date Filed:</b>                  | May 4, 2017                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>Finality of Decision:</b>        | Appealable to City Council                                                                                                                                                                                                                                                                                                                                                                                                  |
|           | <b>For Further Information:</b>     | Contact case planner Marilu Garcia at (510) 238-5217 or by email at <a href="mailto:mgarcia2@oaklandnet.com">mgarcia2@oaklandnet.com</a> .                                                                                                                                                                                                                                                                                  |

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| <b>5.</b> | <b>Location:</b>                    | City Street light pole in public right-of-way (sidewalk) adjacent to 399 Grand Avenue (Along Staten Ave.)                                                                                                                                                                                                                                                                                                                |
|           | <b>Assessor's Parcel Number(s):</b> | Nearest adjacent lot: 010-0766-005-00                                                                                                                                                                                                                                                                                                                                                                                    |
|           | <b>Proposal:</b>                    | To install new "small cell site" Monopole Wireless Communications Facility to improve services by placing one canister antenna (24" long and 14.6" in diameter) within an antenna shroud at the top of an existing 26' City Street light pole, located in the public Right-of-Way. The antenna and shroud would be up to 29'-8" in height and related equipment mounted at a height of 12' and 15'-3" above ground-level |
|           | <b>Applicant / Phone Number:</b>    | Ana Gomez/Black & Veatch & Extenet (for: Verizon) (913) 458-9148                                                                                                                                                                                                                                                                                                                                                         |
|           | <b>Owner:</b>                       | City of Oakland                                                                                                                                                                                                                                                                                                                                                                                                          |
|           | <b>Case File Number:</b>            | PLN17183                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>Planning Permits Required:</b>   | Major Conditional Use Permit with additional findings for Monopole Telecommunications Facility adjacent to Residential Zone; Regular Design Review with additional findings for Monopole Telecommunications Facility                                                                                                                                                                                                     |
|           | <b>General Plan:</b>                | Neighborhood Center Mixed Use                                                                                                                                                                                                                                                                                                                                                                                            |
|           | <b>Zoning:</b>                      | Neighborhood Commercial - 2 Zone (CN-2) / S-12                                                                                                                                                                                                                                                                                                                                                                           |
|           | <b>Environmental Determination:</b> | 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                                                                                                                                             |
|           | <b>Historic Status:</b>             | ASI: Bellevue-Staten Fringe; Non-historic pole                                                                                                                                                                                                                                                                                                                                                                           |
|           | <b>City Council District:</b>       | 3                                                                                                                                                                                                                                                                                                                                                                                                                        |
|           | <b>Date Filed:</b>                  | May 9, 2017                                                                                                                                                                                                                                                                                                                                                                                                              |
|           | <b>Finality of Decision:</b>        | Appealable to City Council                                                                                                                                                                                                                                                                                                                                                                                               |
|           | <b>For Further Information:</b>     | Contact case planner Marilu Garcia at (510) 238-5217 or by email at <a href="mailto:mgarcia2@oaklandnet.com">mgarcia2@oaklandnet.com</a> .                                                                                                                                                                                                                                                                               |



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| <b>6.</b> | <b>Location:</b>                     | <b>1630 Webster Street</b>                                                                                                                                                                                                           |
|           | <b>Assessor's Parcel Number(s):</b>  | <b>008-0625-019-00</b>                                                                                                                                                                                                               |
|           | <b>Proposal:</b>                     | Addition of Alcoholic Beverage Sales, Type 20 off sale beer and wine, within the "Howden Market," a Specialty General Food Sales Activity.                                                                                           |
|           | <b>Applicant:</b>                    | Kanitha Matoury                                                                                                                                                                                                                      |
|           | <b>Contact Person/ Phone Number:</b> | Kanitha Matoury (510) 708-3120                                                                                                                                                                                                       |
|           | <b>Owner:</b>                        | The Howden Building, Oakland LLC                                                                                                                                                                                                     |
|           | <b>Case File Number:</b>             | <b>PLN17236</b>                                                                                                                                                                                                                      |
|           | <b>Planning Permits Required:</b>    | Major Conditional Use Permit for the off sale of alcoholic beverages, Major Variance and Public Convenience and Necessity findings to allow the alcohol beverage retail sales within 1,000 feet of another ABC Outlet and Snow Park. |
|           | <b>General Plan:</b>                 | Central Business District                                                                                                                                                                                                            |
|           | <b>Zoning:</b>                       | CBD-P Central Business District Pedestrian Retail Commercial Zone                                                                                                                                                                    |
|           | <b>Environmental Determination:</b>  | Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183: Projects consistent with the General Plan or Zoning.                                                                                         |
|           | <b>Historic Status:</b>              | Local Landmark (DHP) Howden (Robert A.) Building: A.P.I. 17 <sup>th</sup> St. Commercial; Survey rating: A1+                                                                                                                         |
|           | <b>City Council District:</b>        | 3                                                                                                                                                                                                                                    |
|           | <b>Finality of Decision:</b>         | Appealable to City Council within 10 Days                                                                                                                                                                                            |
|           | <b>For Further Information:</b>      | Contact case planner <b>Jose M. Herrera-Preza</b> at (510) 238-3808 or by email at <a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a> .                                                                            |

This item has been continued to the October 4, 2017, Planning Commission meeting.

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| <b>7.</b> | <b>Location:</b>                    | <b>6041 San Pablo Ave</b>                                                                                                                                                                                                                        |
|           | <b>Assessor's Parcel Number(s):</b> | <b>016-1460-028-00</b>                                                                                                                                                                                                                           |
|           | <b>Proposal:</b>                    | To re-establish a closed bar with a 2:00am closing time under a new operator.                                                                                                                                                                    |
|           | <b>Applicant / Phone Number:</b>    | Ms. Janet Ezell (510) 205-0342                                                                                                                                                                                                                   |
|           | <b>Owner:</b>                       | Mr. Otis McGee, Jr.                                                                                                                                                                                                                              |
|           | <b>Planning Permits Required:</b>   | Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales Commercial Activity; Variances for: alcohol sales within 1,000 feet of an existing alcohol, and, in an over-concentrated area within 1,000 feet of civic uses |
|           | <b>General Plan:</b>                | Community Commercial                                                                                                                                                                                                                             |
|           | <b>Zoning:</b>                      | CC-2 Community Commercial Zone                                                                                                                                                                                                                   |
|           | <b>Environmental Determination:</b> | Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning                                               |
|           | <b>Historic Status:</b>             | D3                                                                                                                                                                                                                                               |
|           | <b>City Council District:</b>       | 1                                                                                                                                                                                                                                                |
|           | <b>Date Filed:</b>                  | April 11, 2017                                                                                                                                                                                                                                   |
|           | <b>Action to be Taken:</b>          | Decision based on staff report                                                                                                                                                                                                                   |
|           | <b>Finality of Decision:</b>        | Appealable to City Council within 10 days                                                                                                                                                                                                        |
|           | <b>For Further Information:</b>     | Contact case planner <b>Aubrey Rose, AICP</b> at (510) 238-2071 or by email at <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a> .                                                                                                  |



**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>8.</b> | <b>Location:</b>                    | <b>1433 Webster Street</b>                                                                                                                                                                                                                                                                                                                            |
|           | <b>Assessor’s Parcel Number(s):</b> | <b>008-0624-034-00; -035-00; and -036-00</b>                                                                                                                                                                                                                                                                                                          |
|           | <b>Proposal:</b>                    | Proposal to demolish two existing commercial buildings and construct a new 29 story mixed use building containing 179 dwelling units, 60,000 square feet of office, and ground floor retail. The proposal includes a request for a density bonus and concessions by providing the inclusion of 5% very low income dwelling units within the proposal. |
|           | <b>Applicant:</b>                   | RAD Build                                                                                                                                                                                                                                                                                                                                             |
|           | <b>Contact Person/Phone Number:</b> | Lih Loh – (510)343-5593                                                                                                                                                                                                                                                                                                                               |
|           | <b>Owner:</b>                       | Village Glenn Oakland 1, LLC & Lavorini Properties, LLC                                                                                                                                                                                                                                                                                               |
|           | <b>Case File Number:</b>            | PLN16117                                                                                                                                                                                                                                                                                                                                              |
|           | <b>Planning Permits Required:</b>   | Regular Design Review for new construction, Major Conditional Use Permit for development exceeding 200,000 square feet and 250 feet in height in the CBD Zone.                                                                                                                                                                                        |
|           | <b>General Plan:</b>                | Central Business District                                                                                                                                                                                                                                                                                                                             |
|           | <b>Zoning:</b>                      | CBD-P; Height Area 2 (85’) / CBD-C; Height Area 7 (no limit)                                                                                                                                                                                                                                                                                          |
|           | <b>Environmental Determination:</b> | Determination Pending                                                                                                                                                                                                                                                                                                                                 |
|           | <b>Historic Status:</b>             | Potentially Designated Historic Property (PDHP); Ratings: 359 15 <sup>th</sup> Street - Ed2* & 363 15 <sup>th</sup> Street – Dc2+ (15 <sup>th</sup> & Webster ASI)                                                                                                                                                                                    |
|           | <b>City Council District:</b>       | 3                                                                                                                                                                                                                                                                                                                                                     |
|           | <b>Status:</b>                      | Pending                                                                                                                                                                                                                                                                                                                                               |
|           | <b>Action to be Taken:</b>          | Review development proposal and direct staff to return with findings for a decision on the application upon completion of CEQA review                                                                                                                                                                                                                 |
|           | <b>Finality of Decision:</b>        | No decision will be made at this hearing. The item will return to the Commission at a later date for a decision which is appealable to City Council.                                                                                                                                                                                                  |
|           | <b>For Further Information:</b>     | Contact case planner <b>Peterson Z. Vollmann</b> at <b>(510) 238-6167</b> or by email at <b><a href="mailto:pvollmann@oaklandnet.com">pvollmann@oaklandnet.com</a></b> .                                                                                                                                                                              |



## 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, 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:** October 4, 2017

Revised September 13, 2017, to reflect continuance of Item #7 to the October 4, 2017, Planning Commission meeting.