



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

March 7, 2018
Regular Meeting

MEAL GATHERING

5:00pm Building Bridges Conference Room, City Hall, 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 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。請勿塗擦香氛產品，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 4701 MLK Jr Way on a JPA Utility Telephone Pole
	Assessor’s Parcel Number(s):	013-1163-007-03 (nearest lot adjacent to the project site)
	Proposal:	Installation of a wireless “small cell site” telecommunication facility for Verizon Wireless on an existing 43’ wooden utility PG& E pole located in the public right-of-way. The project involves installation of two (4’) tall panel antennas within a ray-dome canister mounted on the top of the existing pole; two radio units mounted at a height of 11’-0” and 17’-0”; one cabinet and related equipment mounted 17’-0” above ground.
	Applicant:	Sequoia Development Services for Verizon Wireless
	Contact Person/ Phone Number:	Ben Hackstedde (949) 259-3344
	Owner:	Pacific Gas & Electric (PG&E)
	Case File Number:	PLN17482
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunications Facility on an existing PG&E pole located in the public right -of- way in a residential zone.
	General Plan:	Urban Residential
	Zoning:	RU-4 Urban Residential-4
	Environmental Determination:	Exempt, Section 15301 and 15303 of the State CEQA Guidelines; minor additions and alterations to an existing PG&E utility pole; Section 15183: projects consistent with a community plan, general plan or zoning.
	Historic Status:	No Historic Record – Utility Pole
	City Council District:	1
	Date Filed:	November 30, 2017
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact Case Planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandnet.com .



2.	Location:	The public right of way adjacent to 394 40 th St on a JPA Utility/Telephone Pole
	Assessor's Parcel Number(s):	012-1007-001-00 (nearest lot adjacent to the project site)
	Proposal:	Installation of a wireless "small cell site" telecommunication facility for AT&T on top of an existing 43' wooden utility PG& E pole located in the public right-of-way. The project involves installation of a 2'-10" tall canister antenna mounted on the top of the existing pole; two radio units and related equipment.
	Applicant:	Matt Yergovich for New Cingular Wireless PCS, LLC (dba AT&T)
	Contact Person/ Phone Number:	Matt Yergovich (415) 596-3474
	Owner:	Pacific Gas & Electric (PG&E)
	Case File Number:	PLN17070
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunications Facility on a replaced PG&E pole located in the public right -of- way in a residential zone.
	General Plan:	Urban Residential
	Zoning:	RU-5 Urban Residential Zone
	Environmental Determination:	Exempt, Section 15301 and 15303 of the State CEQA Guidelines; minor additions and alterations to an existing PG&E utility pole; Section 15183: projects consistent with a community plan, general plan or zoning.
	Historic Status:	No Historic Record – Utility Pole
	City Council District:	1
	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 .

3.	Locations:	Utility poles in public right-of-way adjacent to: <ul style="list-style-type: none"> • 1101 76th Ave (PLN17519; APN: 041-4139-017-00); Submitted 12/29/17; Zone: RD-2; General Plan: Detached Unit Residential; Council District: 7 • 1675 85th Avenue (PLN18042; APN: 043-4555-005-00); Submitted 1/23/18; Zone: RD-1; General Plan: Detached Unit Residential; Council District: 7 • 1662 Auseon Avenue (PLN18043; APN 043-4584-001-00); Submitted 1/23/18; Zone: RD-1; General Plan: Detached Unit Residential; Council District: 7
	Proposal:	To consider requests for (3) applications to install new "small cell site" Macro Telecommunications Facilities on existing utility by attaching an antenna within a shroud and minimal equipment mounted on the side of the pole.
	Applicant / Phone Number:	Ms. Ana Gomez-Abarca (913) 458-9148 / Black & Veatch
	Owner:	Extenet, et al.
	Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility in 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 properties
	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 .



4.	Locations:	Utility pole in public right-of-way (sidewalk) adjacent to: <ul style="list-style-type: none"> • 1129 102nd Ave (PLN18046, APN:045-5183-002-00) Zone: RD-1, Land Use: Detached Unit Residential • 1130 104th Ave (PLN17496, APN: 045-5190-001-01) Zone: RD-1, Land Use: Detached Unit Residential • 901 105th Ave (PLN18044, APN: 045-5213-15-00) Zone: RD-1, Land Use: Detached Unit Residential
	Proposal:	To establish (3) wireless "small cell site" Macro Telecommunication Facilities on existing utility light poles located in the Public Right-of-Way.
	Applicant:	Ana Gomez-Abarca/Black & Veatch & Extenet (for: T-Mobile) (925) 458-9148
	Permits Required:	Regular Design Reviews for Macro Telecommunication Facilities in Residential Zoning
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic poles
	City Council District:	7
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council</i>
	For further information:	Contact case planner Michael Bradley at (510) 238-6935 or by email at mbradley@oaklandnet.com .

5.	Locations:	Utility pole in public right-of-way (sidewalk) adjacent to: <ul style="list-style-type: none"> • 276 29th St (PLN18065, APN: 009-0702-001-01) Zone: D-BV-3/N; Land Use: Community Commercial; CD 3 • 4390 Telegraph Ave (PLN18071, APN: 013-1098-033-04) Zone: CN-2; Land Use: Neighborhood Center Mixed Use; CD 1 • 1425 5th St (PLN18072, APN: 004-0073-004-00) Zone: S-15W; Land Use: Community Commercial; CD 3
	Proposal:	To establish (3) wireless "small cell site" Macro Telecommunication Facilities on existing utility light poles located in the Public Right-of-Way.
	Applicant:	Matt Yergovich/New Cingular Wireless PCS, LLC (for AT&T) (415)596-3474
	Permits Required:	Regular Design Reviews for Macro Telecommunication Facilities in Residential Zoning
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic poles
	City Council Districts:	1,3
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council</i>
	For further information:	Contact Case Planner Marilu Garcia at (510) 238-5217 or by email at mgarcia2@oaklandnet.com .



6.	Location:	4010 Foothill Blvd
	Assessor's Parcel Number(s):	032-2088-010-00
	Proposal:	Conversion of an existing automobile repair commercial building into a full-service restaurant "Zamorano Restaurante".
	Applicant:	Bunton Mousavi Architecture
	Contact Person/ Phone Number:	Nastaran Mousavi (415) 314-7386
	Owner:	Socorro Murillo
	Case File Number:	PLN17481
	Planning Permits Required:	Major Conditional Use Permit to allow a Type 47 "Full Liquor" Alcoholic Beverage Sales Activity in conjunction with a full-service restaurant on a restricted street; Minor Conditional Use to allow a full-service restaurant activity to exceed 5,000-square feet on the ground floor. Regular Design Review for façade and tenant improvements to the building.
	General Plan:	Urban Residential
	Zoning:	RU-5 Urban Residential 5 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Section 15183: Projects consistent with the General Plan or Zoning.
	Historic Status:	Not A Potential Designated Historic Property; OCHS Survey rating: X
	City Council District:	5
	Finality of Decision:	<i>Appealable to City Council within 10 Days</i>
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or by email at jherrera@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.



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.

7.	Location:	3040 Broadway
	Assessor's Parcel Number(s):	009-0704-007-00
	Proposal:	Appeal of the Zoning Manager's Determination
	Applicant/Phone Number:	Robert Selna, representing Don Marshall (510) 622-7608
	Owner:	Don Marshall
	Case File Number:	DET170039-A01
	Original Case File Number:	DET170039
	Planning Permits Required:	None
	General Plan:	Community Commercial
	Zoning:	D-BV-3
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301, Minor alterations to an existing facility; Section 15306, Information collection; and Section 15321, Enforcement Actions by Regulatory Agencies
	Historic Status:	Dc2+; Area of Secondary Importance (Upper Broadway Auto Row)
	City Council District:	3
	Status:	The Zoning Determination Letter was mailed on July 27, 2017; Project was appealed on August 10, 2017 (Extended from the original appeal date of August 7, 2017).
	Staff Recommendation:	Deny the Appeal and uphold the Zoning Manager's Determination
	Finality of Decision:	Final (Not administratively appealable pursuant to OMC Sec. 173132.030)
	For Further Information:	Contact Case Planner Brittany Lenoir at (510) 238-4977 or by email at blenoir@oaklandnet.com .



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 D. MERKAMP
Acting Zoning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: March 21, 2018