



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

March 7, 2018
Regular Meeting

The meeting was called to order at **6:04pm**.

ROLL CALL

Present: Manus, Fearn, Limon, Monchamp, Nagraj

Excused: Weinstein, Myres

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

The applicant for Item #5 requested that Node C (PLN18072) be continued to a date uncertain. Motion by Commissioner Manus, seconded by Commissioner Fearn.

Ayes: Manus, Fearn, Limon, Nagraj

Noes:

Abstentions: Monchamp

Approved with 4 ayes, 0 noes, and 1 abstention.

Director's Report

Committee Reports

Commissioner Manus gave an overview of the DRC meeting on 2/28/18.

Commission Matters

City Attorney's Report

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。



OPEN FORUM

CONSENT CALENDAR

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 40th 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:	<i>Appealable to City Council</i>
	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:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or by email at arose@oaklandnet.com .

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 Continued
	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 .

The Consent Calendar was called at **6:09pm**.

Motion by Commissioner Limon to approve Consent Calendar Items #1 through #4, #5a, #5b, and #6, seconded by Commissioner Fearn.

Ayes: Manus, Fearn, Limon, Nagraj

Noes:

Abstentions: Monchamp

Approved with 4 ayes, 0 noes, and 1 abstention.



PUBLIC HEARINGS

APPEALS

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 .

Item #7 was called at **6:10pm**.

Staff: Brittany Lenoir

Appellant: Zack Wasserman, Don Marshall

Public Speakers: Efrain Chavarria, Juan Funes, Bob Court, Brad Marshall Jr, Michael Stangl

Motion by Commissioner Nagraj to continue this item to a date uncertain to enable staff and the appellant to find ways to continue to negotiate ways for the business to remain on this site, seconded by Commissioner Monchamp.

Ayes: Manus, Fearn, Limon, Monchamp, Nagraj

Noes:

Approved with 5 ayes and 0 noes.



COMMISSION BUSINESS

Approval of Minutes

Motion by Commissioner Monchamp to approve the February 7, 2018, Planning Commission meeting minutes, seconded by Commissioner Limon.

Ayes: Manus, Fearn, Limon, Monchamp, Nagraj

Noes:

Approved with 5 ayes and 0 noes.

Correspondence

City Council Actions

There was no action by City Council on the Telegraph Ave rezoning case due to lack of a quorum.

ADJOURNMENT

The meeting was adjourned at 7:57pm.

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

NEXT REGULAR MEETING: March 21, 2018