



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

February 15, 2017  
Regular Meeting

See page 2 for Clay Street Garage closure and new parking information

### 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

Sgt Mark Dunakin Hearing Room 1, 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.

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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 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 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.**

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) 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. Please note: Effective December 1, 2016, the Clay Street Garage will be permanently closed.**

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>	Utility pole in sidewalk adjacent to: 2501 Coolidge Avenue (along E 25 <sup>th</sup> St)
	<b>Assessor’s Parcel Number(s):</b>	Adjacent to: 027-0843-018-00
	<b>Proposal:</b>	To establish a “small cell site” telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment at up to 26’-3” to an existing 37’ wooden utility pole located in the public right-of-way (sidewalk).
	<b>Applicant / Phone Number:</b>	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	<b>Owner:</b>	Joint Pole Authority (including PG&E)
	<b>Case File Number:</b>	PLN16346
	<b>Planning Permits Required:</b>	Regular Design Review with additional findings for Macro Telecommunications Facility
	<b>General Plan:</b>	Mixed Housing Type Residential
	<b>Zoning:</b>	RM-2 Mixed Housing Type Residential Zone
	<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>	5
	<b>Date Filed:</b>	November 10, 2016
	<b>Action to be Taken:</b>	Decision based on staff report
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or by email at <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a> .



<b>2.</b>	<b>Location:</b>	<b>Utility pole in sidewalk adjacent to 3242 Hyde Street</b>
	<b>Assessor's Parcel Number(s):</b>	<b>Adjacent to: 027-0843-029-00</b>
	<b>Proposal:</b>	To establish a "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment up to 21'03" to an existing 40' wooden utility pole located in the public right-of-way (sidewalk).
	<b>Applicant / Phone Number:</b>	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	<b>Owner:</b>	Joint Pole Authority (including PG&E)
	<b>Case File Number:</b>	<b>PLN16347</b>
	<b>Planning Permits Required:</b>	Regular Design Review with additional findings for Macro Telecommunications Facility
	<b>General Plan:</b>	Mixed Housing Type Residential
	<b>Zoning:</b>	RM-2 Mixed Housing Type Residential Zone
	<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>	5
	<b>Date Filed:</b>	November 10, 2016
	<b>Action to be Taken:</b>	Decision based on staff report
	<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
	<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose, AICP</b> at <b>(510) 238-2071</b> or by email at <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a> .

<b>3.</b>	<b>Location:</b>	<b>The public Right of Way in front of 2570 Havenscourt Blvd. on a JPA Utility Pole</b>
	<b>Assessor's Parcel Number(s):</b>	<b>038-3260-001-00 (nearest lot adjacent to the project site)</b>
	<b>Proposal:</b>	Installation of a wireless telecommunication facility on a wooden utility pole located in the public right-of-way. The project involves replacement of an existing 46' tall wood utility pole with 46' tall to install one (1) canister antenna measuring 23.5" long and 7.9" in diameter at a height of 18'; install two radio units (7.9" tall and 7.9" wide) mounted at a height of 10'-6" and 13'-11" above ground.
	<b>Applicant:</b>	Black & Veatch for Extenet Systems
	<b>Contact Person/ Phone Number:</b>	Ana Gomez of Black & Veatch (913)458-9148
	<b>Owner:</b>	Pacific Gas & Electric. (PG&E)
	<b>Case File Number:</b>	<b>PLN16405</b>
	<b>Planning Permits Required:</b>	Major Design Review to install a wireless Macro Telecommunications Facility one (1) telecommunications canister antenna to a replaced PG&E pole located in the public right -of-way in a residential zone.
	<b>General Plan:</b>	Detached Unit Residential.
	<b>Zoning:</b>	RD-1 Detached Unit Residential-1
	<b>Environmental Determination:</b>	Exempt, Section 15303 of the State CEQA Guidelines; minor additions and alterations to a replaced PG&E utility pole; Exempt, Section 15302 of the State CEQA Guidelines; replacement or reconstruction of existing utility systems and/or facilities; 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 – Utility Pole
	<b>City Council District:</b>	6
	<b>Date Filed:</b>	December 2, 2016
	<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 <b>(510) 238-4790</b> or by email at <a href="mailto:jmadani@oaklandnet.com">jmadani@oaklandnet.com</a> .



<b>4. Location:</b>	<b>The public Right of Way in front of 2400 66<sup>th</sup> Avenue on a JPA Utility Pole</b>
<b>Assessor's Parcel Number(s):</b>	<b>039-3259-028-00 (nearest lot adjacent to the project site)</b>
<b>Proposal:</b>	Installation of a wireless telecommunication facility on a 38' -6" tall wooden utility pole located in the public right-of-way. The project involves installation of one (1) canister antenna measuring 23.5" long and 7.9" in diameter at a height of 18' and two radio units (7.9" tall and 7.9" wide) mounted at a height of 10'-6" and 13'-11" above ground.
<b>Applicant:</b>	Black & Veatch for Extenet Systems
<b>Contact Person/ Phone Number:</b>	Ana Gomez of Black & Veatch (913)458-9148
<b>Owner:</b>	Pacific Gas & Electric. (PG&E)
<b>Case File Number:</b>	<b>PLN16412</b>
<b>Planning Permits Required:</b>	Major Design Review to install a wireless Macro Telecommunications Facility one (1) telecommunication canister antenna on an existing PG&E pole located in the public right -of-way in a residential zone.
<b>General Plan:</b>	Detached Unit Residential
<b>Zoning:</b>	RD-1 Detached Unit Residential-1
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines; installation of telecommunication facility on an existing PG&E utility pole; 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 – Utility Pole
<b>City Council District:</b>	6
<b>Date Filed:</b>	December 2, 2016
<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 <a href="mailto:jmadani@oaklandnet.com">jmadani@oaklandnet.com</a> .

<b>5. Location:</b>	<b>The Public Right-of-Way Adjacent to 2105 48th Ave.</b>
<b>Assessor's Parcel Number(s):</b>	<b>Nearest adjacent lot (036 241603300)</b>
<b>Proposal:</b>	To establish a telecommunication facility, to enhance existing services, by attaching an antenna and equipment to an replaced wooden utility pole located in the public right-of-way (sidewalk). The 39' tall wooden utility pole is existing and will be replaced with a 39' tall wooden utility pole as part of this proposal.
<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>PLN16362</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-2 Zone.
<b>General Plan:</b>	Mixed Housing Type
<b>Zoning:</b>	RM-2 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>	4
<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 <a href="mailto:dthai@oaklandnet.com">dthai@oaklandnet.com</a> .



<b>6.</b>	<b>Location:</b>	<b>The Public Right-of-Way Adjacent to 2130 50th Ave.</b>
	<b>Assessor's Parcel Number(s):</b>	<b>Nearest adjacent lot (036 241902900)</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 38' tall wooden utility pole is existing.
	<b>Applicant:</b>	Extenet Systems (California) LLC. (for T-Mobile USA, INC)
	<b>Contact Person/ Phone:</b>	Ana Gomez (913) 458-9148
	<b>Owner:</b>	Joint Pole Authority (JPA) including PG&E
	<b>Case File Number:</b>	<b>PLN16359</b>
	<b>Planning Permits Required:</b>	Major Design Review to install a wireless Telecommunication Macro Facility on a PG&E pole located in RM-2 Zone.
	<b>General Plan:</b>	Mixed Housing Type
	<b>Zoning:</b>	RM-2 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>	4
	<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 <b>(510) 238-3584</b> or by email at <a href="mailto:dthai@oaklandnet.com">dthai@oaklandnet.com</a> .

<b>7.</b>	<b>Location:</b>	<b>829 21<sup>st</sup> Street</b>
	<b>Assessor's Parcel Number(s):</b>	<b>003-0033-039-00 through 003-0033-044-00</b>
	<b>Proposal:</b>	Appeal of an Administrative decision to partially approve legalization of the unpermitted raising of a pre-existing commercial building that was located within the required setbacks. The subject property was later converted into five live-work units under Planning Case number CD07-399. The appellant is the project applicant and is specifically appealing two conditions of approval related to the decision.
	<b>Applicant/Appellant:</b>	Robia Crisp
	<b>Owner:</b>	829 21 <sup>st</sup> Street Homeowners Association
	<b>Case File Number:</b>	<b>PLN15408-A01</b>
	<b>Planning Permits Required:</b>	Minor Conditional Use Permit to allow a reduced side setback of three feet within the West Oakland Area; Minor Variance for raising the pre-existing building within the required setbacks(front, side and rear); Regular Design Review for legalization of exterior modifications that include a variance.
	<b>General Plan:</b>	Mixed Housing Type Residential
	<b>Zoning:</b>	RM-2
	<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines – Existing facilities 15183 – Projects Consistent with a Community Plan or Zoning
	<b>Historic Status:</b>	Not a Historic Property
	<b>City Council District:</b>	3
	<b>Status:</b>	The application was approved by the Zoning Manager on August 26, 2016. The conditions of approval were subsequently appealed by the applicant on September 6, 2016. This appeal was heard by the Planning Commission on November 16, 2016. At that hearing the Planning Commission took a straw vote to approve the appeal and directed staff to return with updated findings approving the rear yard variance request and removal of two conditions of approval that were the subject of the appeal.
	<b>Action to be Taken:</b>	Decision on appeal
	<b>Finality of Decision:</b>	Final
	<b>For Further Information:</b>	Contact case planner <b>Peterson Z. Vollmann</b> at <b>(510) 238-6167</b> or by email: <a href="mailto:pvollmann@oaklandnet.com">pvollmann@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.

## APPEALS

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Planning and Building Department, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following testimony, the Commission will vote on the staff report and recommendation. If the Commission reverses/overturns the staff decision and no alternate findings for decisions have been prepared, then the vote on the matter will be considered a “straw” vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings for decision and, as applicable, conditions of approval that the Commission will consider in making a final decision. Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.



**COMMISSION BUSINESS**

**Approval of Minutes**

**Correspondence**

**City Council Actions**

**ADJOURNMENT** By 10:30 P.M. unless a later time is agreed upon by a majority of Commissioners present.

**ROBERT MERKAMP**  
**Development Planning Manager**  
**Secretary to the Planning Commission**  
**Planning and Building Department**

**NEXT REGULAR MEETING:** March 1, 2017