



Jahmese Myres, Chair
Amanda Monchamp, Vice-Chair
Jonathan Fearn
Nischit Hegde
Tom Limon
Clark Manus
Sahar Shirazi

September 5, 2018
Regular Meeting

Revised August 29, 2018 – See end of agenda.

MEAL GATHERING

5:00pm Café 15, 597 – 15th St, Oakland (Corner of Jefferson & 15th St)

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.

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 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.oaklandca.gov (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@oaklandca.gov or 510-238-6194 or Cheryl Dunaway at cdunaway@oaklandca.gov 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

Status Report on 2018 Mills Act Selections.

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:	Utility Pole in sidewalk adjacent to 9678 San Leandro Street
	Assessor’s Parcel Number(s):	Adjacent to: 044-4989-006-10
	Proposal:	To establish a telecommunications facility by attaching an antenna and accessory equipment to an existing wooden utility pole located in the public right-of-way (sidewalk).
	Applicant:	Eric Diamond, Nexius Solutions (on behalf of Verizon Wireless)
	Owner:	Joint Pole Authority (JPA) including PG&E
	Case File Number:	PLN18251
	Planning Permits Required:	Major Design Review with additional findings for a Macro Telecommunications Facility within 300’ of an HBX Zone
	General Plan:	General Industry and Transportation
	Zoning:	IG/S-19
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15303: New Construction of Small Structures; Exempt, Section 15183: Projects Consistent with a Community Plan, General Plan, or Zoning
	Historic Status:	Non-Historic Property
	City Council District:	7
	Date Filed:	June 18, 2018
	Action to be Taken:	Approve with Conditions
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact Case Planner Brittany Lenoir at (510) 238-4977 or by email at blenoir@oaklandca.gov .



This item has been withdrawn at the request of the Applicant.

2.	Location:	Public Right of Way adjacent to 4087 Harding Way on a JPA Utility Telephone Pole
	Assessor's Parcel Number(s):	029A-1320-009-00
	Proposal:	Installation of a wireless telecommunication facility on an existing 34'-4" tall wooden utility pole located in the public right-of-way. The project involves to add 6' long wood pole extension to install one antenna within a canister shroud measuring 4'-0" tall at a height of 43'-8"; install two radio units and one cabinet and related equipment mounted on utility pole between 7' and 18' above ground.
	Applicant:	On Air for Verizon Wireless
	Contact Person/ Phone Number:	Jay Gruendle (707) 477-2782
	Owner:	Pacific Gas & Electric. (PG&E)
	Case File Number:	PLN18239
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunications Facility to a replaced PG&E pole located in the public right-of-way in a residential zone.
	General Plan:	Detached Unit Residential
	Zoning:	RD-1 Detached Unit Residential-1
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; minor additions and alterations to an existing PG&E utility pole; Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	No Historic Record - Utility Pole
	City Council District:	4
	Date Filed:	June 5, 2018
	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@oaklandca.gov .

3.	Location:	Public Right of Way adjacent to 892 Fruitvale Ave on a JPA Utility Telephone Pole
	Assessor's Parcel Number(s):	025-0608-008-02
	Proposal:	Installation of a wireless telecommunication facility on an existing 42'-6" tall wooden utility pole located in the public right-of-way. The project involves to add 6' long wood pole extension to install one antenna within a canister shroud measuring 4'-0" tall at a height of 54'-6"; install two radio units and one cabinet and related equipment mounted on utility pole between 7' and 18' above ground.
	Applicant:	Nexius Solutions for Verizon Wireless
	Contact Person/ Phone Number:	Eric Diamond (510) 917-8352
	Owner:	Pacific Gas & Electric. (PG&E)
	Case File Number:	PLN18307
	Planning Permits Required:	Major Design Review to install a wireless Macro Telecommunications Facility to a replaced PG&E pole located in the public right-of-way in a HBX-2 zone.
	General Plan:	Housing and Business Mix
	Zoning:	HBX-2 Housing Business Mix-2
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; minor additions and alterations to an existing PG&E utility pole; Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	No Historic Record - Utility Pole
	City Council District:	5
	Date Filed:	July 19, 2018
	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@oaklandca.gov .



4.	Location:	4276 Macarthur Blvd
	Assessor's Parcel Number(s):	030-1981-150-01
	Proposal:	To allow for a Convenience Market with Alcoholic Beverage Sales. The project also involves complete remodel of an existing automotive service station. (Note: this item was previously considered by the Planning Commission on May 18 th 2018, and is returning to the Commission with the Findings for Approval).
	Applicant:	Jason Overman o/b/o/ Rajan Goswamy
	Contact Person/Phone Number:	Jason Overman (510)735-8193
	Owner:	Rajan Goswamy DBA MacArthur 76
	Case File Number:	PLN17282
	Planning Permits Required:	Major Conditional Use Permit to allow for the establishment of a new 2,185 square-foot convenience market (as part of an existing service station, with automotive repair to be removed), and for the sale of alcoholic beverage within the new combination convenience market and gas station. Major Variance to allow for Alcoholic Beverage Sales within 1,000 feet of a Civic Activity (Saint Laurence O'Tool Saint Cyril church) and another existing Alcoholic Beverage Sales (Degree's Plato Limited Service Café and Tap Room), and Regular Design Review for expansion, modifications, and partial demolition of existing buildings and facilities.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	Neighborhood Center Mixed Use Zone-2
	Environmental Determination:	Exempt, Section 15301 and 15303 of the State CEQA Guidelines: Projects that involve minor alterations to existing mall structures and construction of new small structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	None
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Decision of Application by Planning Commission
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact Case Planner Moe Hackett at (510) 238-39730 or by email at mhackett@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.



6.	Location: Citywide
	Proposal: Discussion of proposed citywide Planning Code amendments: Proposed changes include the following: 1) Consolidating parking regulation in Chapter 17.116 of the Planning Code; 2) Capping the number of loading births required for work/live and live/work units; 3) Permitting emergency shelters by-right in parts of the CIX, IG, and IO Industrial Zones; 4) Removing employee parking requirements for live/work and work/live units in the CIX and HBX zones; 5) Removing the cap of four persons who can live in a joint living and quarter; 6) Requiring that nonresidential buildings be at least ten years old before they can be converted to joint living and working quarters; 7) Allowing the use of industrial buildings for commercial uses, and vice versa, without activating new parking requirements; 8) Reducing the number of parking spaces required for a single-family home in the RD-1 zone from 1.5 to 1; 8) Removing parking requirements for micro-living quarters in the D-BV-1 and D-BV-2 zones; 9) Decreasing the parking requirement for new industrial developments; 10) Allowing parking reduction measures to be applied to developments of five dwelling units or fewer; 11) Capping the number of required loading berths for civic, residential, and commercial buildings at three; 12) Increasing the minimum floor area that requires a loading berth in industrial buildings; 13) Allowing the use of intermediate and compact parking spaces on lots containing a total of two or more parking spaces; and 14) Adding a regulation that extinguishes a Conditional Use Permit if the activity that received the Conditional Use Permit has either ceased for more than a year or a different activity has subsequently replaced the activity in the same facility.
	Applicant: City of Oakland
	Case File Number: ZA18011
Environmental Determination:	The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
	City Council District: All districts
For Further Information:	Contact Case Planner Neil Gray at (510) 238-3878 or by email at ngray@oaklandca.gov .



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
Acting Zoning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: September 26, 2018

Revised August 29, 2018, to reflect withdrawal by the Applicant of Item #2, and Item #5 (2018 Mills Acr Selections) being changed from Public Hearing item to Director's Report.