



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

November 2, 2016
Regular Meeting

Revised October 20, 2016 – see end of agenda
Revised October 24, 2016 – see end of agenda
Revised October 27, 2016 – see end of agenda

MEAL GATHERING — 5:00 P.M.

Max's Diner, 500 12th 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 6:00 P.M.

Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland

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 p.m.**, 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。



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.

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](tel: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.

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 Clay Street Garage (located at Clay Street and 14th Street) 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

Reporting out on closed session



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.

This item has been continued to the November 16, 2016, Planning Commission Meeting

1.	Location:	205 Alice Street
	Assessor’s Parcel Numbers:	001-0151-004-00
	Proposal:	To establish a Group Assembly Activity for an event space and an Alcoholic Beverage Sales Activity related to the event space within an existing commercial building.
	Applicant:	Rebecca Amato
	Contact Person/Phone Number:	-(510) 420-0210
	Owner:	Chris Curtis
	Case File Number:	PLN16083
	Planning Permits Required:	Major Conditional Use Permit to allow a Group Assembly and Alcoholic Beverage Sales Activities in the C 45 Zone; Public Convenience and Necessity Findings.
	General Plan:	EPP – Mixed Use District
	Zoning:	C 45, Community Shopping Commercial Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects; and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.
	Historic Status:	Not a Potential Designated Historic Property; Rating: F3
	Planning District:	Metro
	City Council District:	3
	Status:	Pending
	Action to be Taken:	Decision on application based on Staff Report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 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.

2.	Location:	MacArthur Transit Village Parcels A and C1
	Assessor’s Parcel Numbers:	012-1025-010-00 and 012-1025-013-00
	Proposal:	Revise Parcels A and C1 FDP to reduce ground-floor retail and allow live-work units in lieu thereof.
	Applicant:	BRIDGE Housing
	Contact Person:	Marie Debor (949) 229-7075
	Owner:	BART, MacArthur Transit Community Partners, LLC
	Case File Number:	PUD06058-PUDF08
	Planning Permits Required:	Revision to FDP.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	S-15 Transit-Oriented Development Zone
	Environmental Determination:	An Environmental Impact Report (EIR) was certified in June 2008.
	Historic Status:	There are no Potential Designated Historic Properties located on the project site.
	Service Delivery District:	Service District 2
	City Council District:	1
	Date Filed:	September 27, 2016
	Status:	Request recommendation from Planning Commission; Final Decision by City Council at a later date.
	Action to be Taken:	Consider recommendation for FDP application and make CEQA determination.
	Staff Recommendation:	Take public testimony; provide recommendation to City Council.
	Finality of Decision:	No decision will be made on the project at this time.
	For Further Information:	Contact the case planner Catherine Payne at (510) 238-6168 or by email at cpayne@oaklandnet.com



3.	Location:	The Public Right-of-Way adjacent to 2047 Asilomar Dr.
	Assessors Parcel Numbers:	048E -7344-005-00
	Proposal:	<i>Continued from the September 2, 2015 Planning Commission Hearing.</i> The installation of a distributed antenna system (DAS) wireless telecommunication facility on a new public utility pole in the right-of-way on Asilomar Dr.; facility includes two panel Kathrein antennas mounted at approximately at 50'-1" pole height; an associated equipment box (approx.. 5'-3" tall by 26" wide) will be ground mounted across the public right-of-way from the pole.
	Applicant:	New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)
	Contact Person/ Phone Number:	Matthew Yergovich (415) 596-3474
	Owner:	City of Oakland
	Case File Number:	PLN15180
	Planning Permits Required:	Major Design Review (non-residential) to install a wireless Macro Telecommunications Facility (17.136.050 (B)(2); Additional Findings for a Macro Facility (OMC Sec. 17.128.070(B)(C)..
	General Plan:	Hillside Residential
	Zoning:	RH-4 Hillside Residential 4 Zone
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines (small facilities or structures; installation of small new equipment and facilities in small structures), and that none of the exceptions to the exemption in CEQA Guidelines section 15300.2 are not triggered by the proposal. Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Not A Potential Designated Historic Property (PDHP); Survey rating:
	Service Delivery District:	II
	City Council District:	4
	Date Filed:	6/3/15
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or by email at jherrera@oaklandnet.com



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.

4.	Location:	585-22nd Street and 570-610 21st Street
	Assessor’s Parcel Numbers:	008-0647-013-00, 008-0647-014-00, 008-0647-015-00, 008-0646-028-04
	Proposal:	Appeal of the Zoning Manager’s issuance of a Regular Design Review permit for the new construction of a five-story, 78 unit residential building with ground floor parking and amenity spaces; along with the relocation of two historic buildings on 21 st street.
	Original Applicant / Contact:	Kahn Design Associates / (510) 213-2821
	Appellant / Contact:	Meridian Condominium Homeowners Association – Sven Dummer/ (510)292-1853
	Property Owners:	585-22 nd Street, LLC (585-22 nd St.) & Ms. Rosa M. Moran (570 & 600-21 st .)
	Case File Number:	PLN16046-A01
	Original Case File Number:	PLN16046
	Planning Permits Required:	Design Review for new construction of a 78 unit residential building and relocation of two historic buildings.
	General Plan:	Central Business District
	Zoning:	CBD-R Central Business District Residential Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; In-fill development Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning
	Historic Status:	Cathedral District API: 585-22 nd Street - vacant parking lot; 570-21 st Street – Potential Designated Historic Property (PDHP) C1+; 600-21 st Street – Potential Designated Historic Property (PDHP) C1+
	Service Delivery District:	Metro
	City Council District:	3
	Status:	Application approved by Zoning Manager on August 2, 2016; Appealed August 12, 2016.
	Action to be Taken:	Public Hearing
	Staff Recommendation:	Deny the appeal and uphold the Zoning Administrator’s approval
	Finality of Decision:	Final (Not Appealable Pursuant to OMC Sec. 17.132.030)
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email at mbradley@oaklandnet.com



This item has been continued to a date uncertain.

5.	Location:	0 Gravatt Drive
	Assessor's Parcel Numbers:	048H760606400; 06500
	Appeal:	Appeal of an Administrative Decision for a creek determination of two properties on Gravatt Drive
	Proposal:	Subdivide two vacant lots into three lots
	Appellant/Applicant:	DFI Properties, Inc.
	Contact Person/Phone Number:	Steve Anderson, (510)420-8698
	Case File Number:	APL16011 (CDET16004)
	Planning Permits Required:	Tentative Parcel Map for Lot Subdivision, PLN15370/VTPM10342
	General Plan:	Hillside Residential
	Zoning:	RH4 Hillside Residential Zone
	Environmental Determination:	15315 Minor Land Subdivisions
	Historic Status:	Non-historic property
	Service Delivery District:	2
	City Council District:	1
	Status:	Creek Determination issued May 9, 2016 ; Appealed May 18, 2016
	Action to be Taken:	Public Hearing
	Finality of Decision:	Final
	For Further Information:	Contact case planner Caesar Quitevis at (510) 238-6343 or by email at equitevis@oaklandnet.com



6.	Location:	9850 Kitty Lane
	Assessor's Parcel Number:	044-5020-019-00
	Proposal:	To comply with the final Judgment and Writ in the lawsuit filed by the developers of a proposed crematorium (<i>Stewart Enterprises, Inc. and SE Combined Services of CA, Inc. v. City of Oakland et al.</i> , Alameda Superior Court Case No. RG12646176) by (1) vacating the Planning Commission's denial of the developers' Appeal of the Zoning Administrator's determination that the proposed crematorium is subject to the Emergency Ordinance adopted by the City Council on May 15, 2012, and therefore requires an approval of a Major Conditional Use Permit, and (2) granting the appeal because the Court ruled that the building permit issued prior to the adoption of the Emergency Ordinance is not subject to the Ordinance (or extensions thereto), and that the developers may proceed with the crematorium project without the need to obtain a Major Conditional Use Permit.
	Appellant:	Les Hausrath of Wendel Rosen Black and Dean, LLP on behalf of Stewart Enterprises, Inc.
	Owners:	SE Combined Services of CA Inc.
	Planning Permits Required:	Not Applicable
	General Plan:	Business Mix
	Zoning:	CIX-2, Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15321 of the State CEQA Guidelines, Enforcement Actions by Regulatory Agencies
	Historic Status:	Not a Potentially Designated Historic Property; rating: F3
	Service Delivery District:	6
	City Council District:	7
	Status:	Pending
	Action to be Taken:	Compliance with the Final Judgment and Writ issued in the lawsuit challenging the Planning Commission's August 29, 2012 denial of the appeal
	Staff Recommendation:	Comply with the Final Judgment and Writ by reversing the Planning Commission's August 29, 2012 denial of the appeal
	Finality of Decision:	Final
	For Further Information:	Contact case planner Robert D. Merkamp at (510) 238-6283 or by email at rmerkamp@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 MERKAMP
Development Planning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: November 16, 2016

Revised October 20, 2016, to reflect continuance of Item #1 to the November 16, 2016, Planning Commission meeting and the addition of Item #2 that was continued to this agenda from the October 19, 2016, meeting.

Revised October 24, 2016, to reflect continuenace of Item #5 to a date uncertain.

Revised October 27, 2016, to reflect the addition of a City Attorney's Report.