



Oakland City Planning Commission

AGENDA

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

November 28, 2018
Regular Meeting

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.

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 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 (oaklandca.gov) 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

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.	Locations:	Wooden utility pole in public right-of-way adjacent to: <ul style="list-style-type: none"> a) 1301 62nd Ave (PLN17500; Adjacent to APN: 041-3883-021-00); Submitted: 12/27/17; General Plan: Detached Unit Residential; Zoning: RD-2; Council District: 6 b) 7940 International Blvd (PLN17521; Adjacent to APN: 040-3362-008-00); General Plan: Urban Residential; Zoning: RU-5
	Proposal:	To consider requests for two (2) applications to install a new “small cell site” Macro Telecommunications Facility on a JPA wooden utility pole by attaching antenna and equipment.
	Applicant / Phone Number:	Ms. Ana Gomez-Abarca / Black & Veatch (913) 458-9148 for T-Mobile
	Owner:	Extenet, et al.
	Planning Permit Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
	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 property
	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@oaklandca.gov .



2.	Locations:	City street light pole in public right-of-way (median) adjacent to: <ul style="list-style-type: none"> • a) 3950 Broadway (PLN18436; Adjacent to APN: 012-0983-019-04 / 3634 Broadway); Submitted: 11/2/18; General Plan: Community Commercial; Zoning: CC-2 Neighborhood Commercial Zones; Council District: 1 • b) 4351 Broadway (PLN18437; APN: 013-1106-01-00); General Plan: Community Commercial / Institutional; Zoning: CC-2 / RM-1 Mixed Housing Type Residential Zone
	Proposal:	To consider requests for two (2) applications to install a new "small cell site" Monopole Telecommunications Facility on a City street light pole by attaching antenna and equipment
	Applicant / Phone Number:	Mr. Justin Giarritta / Vinculums (925) 482-8519
	Owner:	City of Oakland
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review with additional findings for Monopole Telecommunications Facility in or near a 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@oaklandca.gov .

	Locations:	City street light pole in public right-of-way adjacent to: <ul style="list-style-type: none"> • a) 2215 Champion St (PLN17510; APN: 028-0905-001-02 / 3438 Fruitvale Ave); Submitted: 12/28/17; General Plan: Neighborhood Center Mixed Use; Zoning: CN-1 Neighborhood Commercial; Council District: 4 • b) 3624 Champion St (PLN18029; APN: 028-0907-017-02); Submitted: 1/12/18; General Plan: Mixed Housing Type Residential; Zoning: RM-3
	Proposal:	To consider requests for two (2) applications to install a new "small cell site" Monopole Telecommunications Facility on a City light pole by attaching antenna and equipment.
	Applicant / Phone Number:	James Singleton for Mobilite / (650) 814-0564
	Owner:	City of Oakland
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review with additional findings for Monopole Telecommunications Facility in or near a Residential Zone; Minor Variance for proximity to a residential property (Site # 2)
	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@oaklandca.gov .



4.	Location:	482 49th Street, Unit #B
	Assessor's Parcel Number(s):	013-1152-014-01
	Proposal:	To establish a retail wine shop (Prima Materia) with instructional tastings, bottle sales, and limited food sales, in an existing 240 square foot commercial tenant space.
	Applicant / Phone Number:	Pietro Buttitta / (707) 391-0492
	Owner:	Waite Sarita & Ral Properties, LLC
	Case File Number:	PLN18161
	Planning Permits Required:	Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales Commercial Activity; Minor Variance for alcohol sales within 1,000 feet of existing alcohol outlets and civic uses; Findings of Public Convenience or Necessity in an over-concentrated area.
	General Plan:	Mixed Housing Type Residential
	Zoning:	CN-2 Neighborhood Commercial – 2 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; existing facilities; Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Ed3
	City Council District:	1
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact Case Planner Gregory Qwan at (510) 238-2958 or by email at ggwan@oaklandca.gov .



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.

5.	Location:	0 35 th Ave
	Assessor's Parcel Number(s):	033-2177-021-00
	Proposal:	Fruitvale Transit Village Phase IIB Multifamily development with 181 units of affordable housing, 6000 sf of office, internal courtyard group open space and 100 parking spaces
	Applicant:	Bridge Housing and Unity Council
	Contact Person/ Phone Number:	Ethan Warsh 415 495-3591
	Owner:	City of Oakland
	Case File Number:	PUD08186-PUDF02
	Planning Permits Required:	PUD Permit; Design Review
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	S-15
	Environmental Determination:	Prior CEQA Document
	Historic Status:	N/A
	City Council District:	5
	Finality of Decision:	Planning Commission
	For Further Information:	Contact Case Planner Rebecca Lind, Planner III at (510) 238-3472 or by email at rlind@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.

6.	Location:	1433 Webster Street
	Assessor's Parcel Number(s):	008-0624-035-00; -036-00
	Proposal:	Appeal of an Administrative decision to approve a revision to the previously approved project for a 29-story mixed use building. The revised proposal would include a 15-story building containing 168 dwelling units over ground floor retail. The project includes 7 units available as very low income to achieve a 20% density bonus for the project including a concession request for open space and a development waiver for height within the CBD Height Area 2 to exceed the 85-foot height limit for a portion of the property fronting on 15 th Street.
	Applicant/Appellant:	Mark Brustman
	Owner:	Village Glen Oakland I, LLC
	Case File Number:	PLN16-117-R01-A01
	Planning Permits Required:	Regular Design Review for new construction
	General Plan:	Central Business District
	Zoning:	CBD-P/CBD-C
	Environmental Determination:	A CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA Guideline provisions: Section 15332, In-fill development projects; Section 15183 – Projects consistent with a community plan, general plan, or zoning; Section 15183.3 – Streamlining for Qualified infill projects; and/or Sections 15168 & 15180 – Projects consistent with a Redevelopment program EIR; Each of which provides a separate and independent basis for CEQA compliance.
	Historic Status:	Potentially Designated Historic Property (PDHP); Rating: 359 15 th Street - Ed2* (15 th & Webster ASI)
	City Council District:	3
	Status:	The original development application was approved by the Planning Commission on February 21, 2018. A revision to the approved application was file to reduce the scale of the project on May 23, 2018. The revised application was approved by Zoning on October 8, 2018. The appellant filed an appeal of the approval on October 15, 2018.
	Action to be Taken:	Decision on appeal
	Finality of Decision:	Final
	For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email at pvollmann@oaklandca.gov .



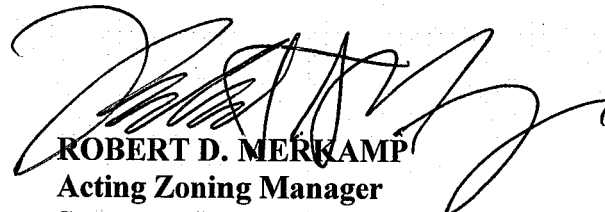
COMMISSION BUSINESS

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: December 5, 2018