



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

**December 5, 2018**  
**Regular Meeting**

Revised 11/29/18 – See end of agenda.

**MEAL GATHERING**

**5:00pm** Café 15, 597 – 15<sup>th</sup> St, Oakland (Corner of Jefferson & 15<sup>th</sup> 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.

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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 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](http://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 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.**

Applicants or members of the public that plan to make electronic presentations (e.g., PowerPoint presentations): Please contact Jonathan Arnold at [jarnold@oaklandca.gov](mailto:jarnold@oaklandca.gov) or 510-238-6194 or Cheryl Dunaway at [cdunaway@oaklandca.gov](mailto: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.

This item has been continued to a date uncertain.

<b>1.</b>	<b>Location:</b>	<b>1232-1244 High Street and 1207, 1219, and 1223 44<sup>th</sup> Avenue</b>
	<b>Assessor's Parcel Number(s):</b>	<b>034-2251-008-00; -009-00; -010-01; -013-01</b>
	<b>Proposal:</b>	To construct a 5-story 128,892 square-foot facility with surface parking, and loading dock, office space, lobby, and a community room located on the ground floor. Located on four adjacent lot to be merged.
	<b>Applicant:</b>	Kava Massih Architects
	<b>Contact Person/Phone Number:</b>	Kava Massih (510) 644-1920
	<b>Owner:</b>	Patrick Elwood, c/o Bay Farms Produce, Inc
	<b>Case File Number:</b>	<b>PLN18259</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permit for a self-storage facility greater than 25,000 square-foot, Regular Design Review for development of the site and building design, and Minor variance to allow for 13 off-street parking site where 93 parking spaces are required.
	<b>General Plan:</b>	Business Mix
	<b>Zoning:</b>	CIX-2, Commercial Industrial Mix Zone 2
	<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines: In-fill Exemptions. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	<b>Historic Status:</b>	None
	<b>City Council District:</b>	5
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision of Application by Planning Commission
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner Moe Hackett at (510) 238-39730 or by email at <a href="mailto:mhackett@oaklandca.gov">mhackett@oaklandca.gov</a> .



<b>2.</b>	<b>Location:</b>	<b>300 Lakeside Drive – Kaiser Center</b>
	<b>Assessor’s Parcel Number(s):</b>	<b>008-0652-001-05</b>
	<b>Proposal:</b>	Extension of entitlements for the Planned Unit Development (PUD) to construct approximately 1,500,000 square feet of new office development in two towers on the western side of the Kaiser Center.
	<b>Applicant:</b>	Tomás Schoenberg
	<b>Contact Phone Number:</b>	(415) 291-1104
	<b>Owner:</b>	SIC-Lakeside Drive, LLC
	<b>Case File Number:</b>	<b>PUD08103 &amp; TPM9848</b>
	<b>Planning Permits Required:</b>	Extension of the Planned Unit Development and Tentative Parcel Map.
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	Current Zoning: CBD-C, Central Business District Commercial; Prior Zoning from when application was deemed complete: C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17, Downtown Residential Open Space
	<b>Environmental Determination:</b>	An EIR was Certified for the Project on May 4, 2011.
	<b>Historic Status:</b>	Kaiser Center Building & Roof Garden are CEQA Historic Resources (Oakland Cultural Heritage Survey Rating A1+; listed on the Local Register of Historical Resources; appears eligible for the National Register individually and as part of the Lake Merritt District (code 3B))
	<b>City Council District:</b>	3
	<b>Status:</b>	Planning Commission approval on May 4, 2011. Entitlements extended through December 31, 2018.
	<b>Action to be Taken:</b>	Decision on application based on Staff Report
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Pete Vollmann</b> at <b>(510) 238-6167</b> or by email at <b><a href="mailto:pvollmann@oaklandca.gov">pvollmann@oaklandca.gov</a></b> .

<b>3.</b>	<b>Location:</b>	<b>Westover Drive</b>
	<b>Assessor’s Parcel Number(s):</b>	<b>048D-7282-060-00</b>
	<b>Proposal:</b>	Time extension of Conditional Use Permit and Tentative Parcel Map Planning Commission approval for the subdivision of three lots into four at Westover Drive.
	<b>Applicant/Owner:</b>	Hood Miller Properties, Inc. – Kirk Miller and Paula Nesbitt
	<b>Contact Person/ Phone Number:</b>	Kirk Miller (415) 567-8885
	<b>Case File Number:</b>	<b>CU05440/TPM8784</b>
	<b>Planning Permits Required:</b>	Tentative Parcel Map to subdivide three lots into four and Conditional Use Permit for shared access facility.
	<b>General Plan:</b>	Hillside Residential
	<b>Zoning:</b>	RH-3, Hillside Residential 3 Zone; S-9 Fire Safety Protection Combining Zone; S-10 Scenic Route Combining Zone
	<b>Environmental Determination:</b>	Exempt, Section 15315 of the State CEQA Guidelines – Minor Land Division.
	<b>Historic Status:</b>	Non-historic Property
	<b>City Council District:</b>	4
	<b>For Further Information:</b>	Contact Case Planner <b>Maurice Brenyah-Addow</b> at <b>(510) 238-6342</b> or by email at <b><a href="mailto:mbrenyah@oaklandca.gov">mbrenyah@oaklandca.gov</a></b> .



<b>4.</b>	<b>Locations</b>	Wooden utility pole in public right-of-way adjacent to: <ul style="list-style-type: none"> <li>a) 5900 Hayes St (PLN17514; APN: 038-3210-019-00); General Plan: Mixed Housing Type Residential; Zoning: RM-4 Residential; Council District: 6; Submittal date: 12/29/17</li> <li>b) 2501 55<sup>th</sup> Ave (PLN17499; APN: 036-2479-032-00); General Plan: Detached Unit Residential; Zoning: RD-2 Residential; Council District: 6; Submittal date: 12/29/17</li> </ul>
	<b>Proposal:</b>	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.
	<b>Applicant / Phone Number:</b>	Ms. Ana Gomez-Abarca (for Extenet) (913) 458-9148
	<b>Owner:</b>	Extenet, et al.
	<b>Planning Permit Required:</b>	Regular Design Review with additional findings for Macro Telecommunications Facility
	<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>Action to be Taken:</b>	Decision based on staff report
	<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>
	<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose AICP</b> at (510) 238-2071 or <a href="mailto:arose@oaklandca.gov">arose@oaklandca.gov</a> .

<b>5.</b>	<b>Locations</b>	Wooden utility pole in public right-of-way adjacent to: <ul style="list-style-type: none"> <li>a) 2008 90<sup>th</sup> Ave (PLN18488; APN 046-5459-012-01); General Plan: Mixed Housing Type Residential; Zoning: RM-1 Residential; Council District: 7; Submittal date: 11/16/18</li> <li>b) 2272 90<sup>th</sup> Ave (PLN18489; APN 046-5472-026-00); General Plan: Mixed Housing Type Residential; Zoning: RM-3 Residential; Council District: 7; Submittal date: 11/16/18</li> </ul>
	<b>Proposal:</b>	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.
	<b>Applicant / Phone Number:</b>	Cynthia MacDermott / Nexius Solutions (209) 914-3360
	<b>Owner:</b>	Verizon, et al.
	<b>Planning Permit Required:</b>	Regular Design Review with additional findings for Macro Telecommunications Facility
	<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>Action to be Taken:</b>	Decision based on staff report
	<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>
	<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose AICP</b> at (510) 238-2071 or <a href="mailto:arose@oaklandca.gov">arose@oaklandca.gov</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.

<b>6.</b>	<b>Location:</b>	Wooden utility pole in public right-of-way adjacent to:  • <b>6719 Eastlawn St (PLN17518; APN: 041-4064-028-00);</b> Submitted 12/27/17; General Plan: Detached Unit Residential; Zoning: RD-2 Zone; Council District 6
	<b>Proposal:</b>	To consider request for one (1) application to install a new "small cell site" Macro Telecommunications Facilities on JPA wooden utility pole by attaching antenna and equipment.
	<b>Applicant / Phone Number:</b>	Ms. Ana Gomez-Abarca / Black & Veatch (913) 458-9148
	<b>Owner:</b>	Extenet, et al.
	<b>Planning Permit Required:</b>	Regular Design Review with additional findings for Macro Telecommunications Facility
	<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>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</b> at (510) 238-2071 or <a href="mailto:arose@oaklandca.gov">arose@oaklandca.gov</a>



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

**NEXT REGULAR MEETING:** December 19, 2018

Agenda revised 11/29/18 to reflect continuance of Item #1 to a date uncertain.