



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

November 16, 2016
Regular Meeting

Revised November 3, 2016, to add Item #.5

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 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.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.

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



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.

.5	Location:	The Public Right-of-Way adjacent to 2047 Asilomar Dr.
	Assessors Parcel Numbers:	048E -7344-005-00
	Proposal:	Continued from the November 2, 2016 Planning Commission Hearing to bring denial findings for a previous heard telecommunications facility on a new public utility pole in the right-of-way on Asilomar Dr.
	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:	Section 15270 Projects which are disapproved.
	Historic Status:	Not A Potential Designated Historic Property (PDHP); Survey rating:
	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



1.	Location:	460-464 8th Street
	Assessor's Parcel Numbers:	001-0201-007-00
	Proposal:	To modify an approved beer & wine tavern by upgrading the ABC license to include on-site liquor sales/consumption. The premises contain two adjoining spaces, under prior approvals to establish (granted 2006) and expand (2011), with: two front doors; internal connection; and rear door/patio. Total area to remain 1,398 s.f. interior/400 s.f. exterior, and, closing time to remain 2:00 AM.
	Contact Person/Phone Number:	Aaron Porter / 510-409-3427
	Owner:	11 West Ninth Street Properties
	Case File Number:	CMD10265-R01
	Planning Permits Required:	Revision to amend: Major Conditional Use Permit for Alcoholic Beverage Sales Commercial Activity; Additional findings for a CUP involving sale of alcohol, and, public convenience or necessity for over-concentration
	General Plan:	Central Business District
	Zoning:	CBD-P Central Business District-Pedestrian Retail Commercial Zoning District / S-7 Preservation Combining Zoning District
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Designated Historic Property: A1+ rating; Area of Primary Importance contributor (Old Oakland Historic District)
	Service Delivery District:	Metro
	City Council District:	3
	For Further Information:	Contact Gregory Qwan, Planner I at (510) 238-2958 or by email at gqwan@oaklandnet.com



2.	Location:	1100 Broadway
	Assessor's Parcel Numbers	002-0051-006-02
	Proposal:	Extension of the planning entitlements to construct a 20-story commercial office building and rehabilitate the Key System Building. The total Project would include 310,285 sq. ft. of office and 9,810 sq. ft. of retail.
	Applicant:	Daniel Kingsley
	Phone Number:	(415)421-8200
	Owner:	SKS Broadway, LLC
	Case File Number:	CMD07390/ER070015
	Planning Permits Required:	Extension of the Major Conditional Use Permit for a Large-Scale Development (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height); Minor Conditional Use Permit for loading at the ground floor; and Design Review.
	General Plan:	Central Business District
	Zoning:	Previously: C-55 Central Core Commercial Zone; S-8 Urban Street Combining Zone; S-17 Downtown Residential Open Space Combining Zone Currently: CBD-P Central Business District Pedestrian Retail Commercial Zone
	Environmental Determination:	A Final Environmental Impact Report was certified on May 6, 1998 (Case File ER97-0032). An Addendum to the previous EIR was certified on February 13, 2008 (Case File ER07-0015).
	Historic Status:	The existing building, located on the southern portion of the site, is known as the Key System Building, and formerly the Security Bank and Trust Building. This building is a City Landmark and is rated A1+, of the "highest importance" by the Oakland Cultural Heritage Survey. Furthermore, the building is also listed on the National Register of Historic Places. The building is also an anchor and primary contributor to the Downtown Oakland Historic District, an Area of Primary Importance (API).
	Service Delivery District:	Downtown Metro
	City Council district	2
	Status:	Planning Commission approval on February 13, 2008. Entitlements extended through December 31, 2016.
	Staff Recommendation	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@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.



3.	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

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:	829 21st Street
	Assessor's Parcel Numbers:	003-0033-039-00 through 003-0033-044-00
	Proposal:	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.
	Applicant/Appellant:	Robia Crisp
	Owner:	829 21 st Street Homeowners Association
	Case File Number:	PLN15408-A01
	Planning Permits Required:	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.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-2
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines – Existing facilities 15183 – Projects Consistent with a Community Plan or Zoning
	Historic Status:	Not a Historic Property
	Service Delivery District:	Metro
	City Council District:	3
	Status:	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.
	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@oaklandnet.com .



COMMISSION BUSINESS

Approval of Minutes

October 5, 2016 – Planning Commission
October 19, 2016 – Planning Commission
October 19, 2016 – Design Review Committee
November 2, 2016 – Planning Commission

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: December 7, 2016