



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

December 21, 2016
Regular Meeting

See page 2 for Clay Street Garage closure and new parking information

MEAL GATHERING

5:00pm 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

6:00pm 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 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。請勿塗擦香氛產品，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. 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. Please note: Effective December 1, 2016, the Clay Street Garage will be permanently closed.

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

Remarks from Mayor Libby Schaaf.

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 (fronting) 2107 Church St
	Assessor’s Parcel Number(s):	Adjacent to 039 -3262-014-00
	Proposal:	To establish a telecommunications facility to enhance existing services by attaching an antenna and equipment to an existing wooden utility pole located in the public right-of-way (sidewalk).
	Applicant / Phone Number:	Ana Gomez/Black & Veatch (for Extenet /Verizon) 913-458-9148
	Owner:	PG&E
	Case File Number:	PLN16332
	Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Detached Unit Residential
	Zoning:	RD-1 Detached Unit Residential
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15303 of the State CEQA Guidelines: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non historic property
	City Council District:	7
	Date Filed:	October 28, 2016
	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@oaklandnet.com



2.	Location:	Utility pole in sidewalk adjacent to (fronting) lot line between 1701 39 th Avenue (& 1625 39 th Ave)
	Assessor's Parcel Number(s):	Adjacent to: 033-2138-036-00 & 033-2138-037-00
	Proposal:	To establish a telecommunications facility to enhance existing services by attaching an antenna and equipment to an existing wooden utility pole located in the public right-of-way (sidewalk).
	Applicant / Phone Number:	Ana Gomez/Black & Veatch for: Extenet (Verizon) 913-458-9148
	Owner:	PG&E
	Case File Number:	PLN16321
	Planning Permits Required:	Regular Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-2 Mixed Housing Type Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15303 of the State CEQA Guidelines: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non historic property
	City Council District:	5
	Date Filed:	October 20, 2016
	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@oaklandnet.com



3.	Location:	The Public Right-of-Way adjacent to 345 42nd Street
	Assessors Parcel Numbers:	012-1003-002-00
	Proposal:	The installation of an unmanned wireless telecommunications facility on a new public utility pole in the right-of-way on 42 nd St.; facility includes one panel antenna mounted at approximately at 50'-0" pole height and one equipment box (approx.. 5'-8" tall by 1'-10" wide) which will be mounted onto the new pole approximately 10' above the right-of-way. All public utilities will remain on the pole.
	Applicant:	Verizon Wireless, c/o Modus Corp
	Contact Person/ Phone Number:	Susan Zaca (209) 275-8698
	Owner:	City of Oakland
	Case File Number:	PLN16005
	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:	Mixed Housing Type Residential
	Zoning:	RM-1 Mixed Housing Type Residential 1 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:
	City Council District:	1
	Date Filed:	1/6/16
	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

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.

4.	Location:	2400 Filbert Street
	Assessor's Parcel Number(s):	005-0433-018-05 and 005-0433-018-06
	Proposal:	Extension of entitlements to construct a new development consisting of 55 residential townhomes.
	Applicant:	Janina Hoskins
	Contact Phone Number:	(707) 569-9508
	Owner:	Janina Hoskins as Bankruptcy Trustee
	Case File Number:	CD05116
	Planning Permits Required:	Extension of the Interim Conditional Use Permit & Design Review.
	General Plan:	Mixed Housing Type
	Zoning:	Current Zoning: RM-4/RM-2, Mixed Housing Zones 4 & 2 Prior Zoning: M-20/R-50, Light Industrial Zone /Medium Density Residential Zone
	Environmental Determination:	Infill Exemption (CEQA Guidelines Section 15332)
	Historic Status:	Not Historic.
	City Council District:	3
	Status:	Planning Commission approval on November 16, 2005. The approved project was appealed to the City Council, and at the February 21, 2006 City Council hearing the appeal was denied. Entitlements extended by the Planning Commission to December 31, 2016.
	Action to be Taken:	Decision on application based on Staff Report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Pete Vollmann at (510) 238-6167 or by email at pvollmann@oaklandnet.com .



5.	Location:	2100 Telegraph Avenue
	Assessor's Parcel Number(s):	008-0648-001-00; -011-03; -016-03; -017-00; & -018-00
	Proposal:	Scoping session for a proposal to demolish the existing buildings and public parking structure for a Planned Unit Development (PUD) with a preferred development option that is a mixed use development with 869,470 square feet of office, a residential tower containing 393 dwelling units, 81,055 square feet of ground floor retail, and 18,350 square feet of community space. The Environmental Impact Report (EIR) will also study the full potential range of development options under the PUD that would also include up to 2.67 million square feet of office and 1,544 residential dwelling units. All development options within the PUD would include the proposed ground floor retail and replacement of the City's public parking.
	Applicant:	W/L Telegraph Holdings JV, LLC
	Contact Person/Phone Number:	Andrew Haydel / Lane Partners - (650) 838-0100
	Case File Number:	ER16011
	General Plan:	Central Business District
	Zoning:	CBD-P
	Environmental Determination:	Staff has determined that an Environmental Impact Report (EIR) will be prepared for this project. A Notice of Preparation (NOP) to prepare the EIR was published on December 2, 2016. The comment period for the NOP ends on January 3, 2017.
	Historic Status:	Potential Designated Historic Property (PDHP), survey rating Dc3, 2147 Broadway (1917); Four modern resources that should be evaluated for significance: 495 22nd Street, Kwik Way #2, 1953-54, evaluated as eligible for California Register in 2003; 2101 Broadway, Security Pacific Bank, 1974, William Pereira architect, preliminary survey rating *b3; 2127 Broadway, Sanwa Bank, 1975, S. Iyama & Associates arch., preliminary survey rating *c3; Telegraph Plaza Public Parking structure, 1976-78, preliminary survey rating *3.
	City Council District:	3
	Action to be Taken:	Receive public and Commission comments about what information and analysis should be included in the EIR.
	For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email at pvollmann@oaklandnet.com .



6.	Location:	CITYWIDE
	Proposal:	Establish a new citywide food vending permit program that would replace Oakland's existing food vending permit types and programs. This revised proposal for a new citywide food vending program would permit, with certain restrictions, individual food vending on private property and from the public right of way in selected commercial and industrial areas. The new program would also permit group site vending citywide. Ordinance would also revise the definition of "Fast Food Restaurant Commercial Activities" in Section 17.10.280 of the Oakland Planning Code; and revise the following sections of the Oakland Municipal Code (OMC): Section 5.51 ("Food Vending Group Site Pilot Program"); Section 5.49 ("Pushcart Food Vending Pilot Program"); and Section 8.09 ("Vehicular Food Vending"). The Ordinance would also include revisions to other Planning and Municipal Code sections as minor conforming changes. This hearing was continued by the Planning Commission on October 5, 2016.
	Applicant:	City of Oakland
	Case File Number:	ZA16009
	Environmental Determination:	The Project relies on the previous set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs- West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the Historic Preservation Element of the General Plan EIR (1998); the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each 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 Council Districts
	Action to be Taken:	Recommendations to the City Council
	Staff Recommendation:	Recommend proposal to the City Council
	For Further Information:	Contact case planner Devan Reiff at 510-238-3550 or by email at dreiff@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, 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
Development Planning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: January 11, 2017