



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

December 7, 2016
Regular Meeting

Revised November 18, 2016 – See end of agenda
Revised November 21, 2016 – See end of agenda
Revised November 30, 2016 – See end of agenda
Revised December 1, 2016 – See end of agenda

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

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 6:00pm 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 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 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

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:	10 Hegenberger Court
	Assessor’s Parcel Number:	044-5078-004-03
	Proposal:	To establish an approximately 155,586 square-foot storage facility with approximately 2,000 square-feet of office space on a 1.87 acre site. Self-Storage activity on a lot of greater than 1 acre in the CR-1 Zone
	Applicant/ Phone Number:	Daniel Elefante –Coliseum Storage Direct (949) 770-2232
	Owner:	Daniel Elefante –Coliseum Storage Direct
	Case File Number:	PLN16188
	Planning Permits Required:	Major Conditional Use Permit for Self Service storage activity (on a +1 acre site), Regular Design Review for new construction.
	General Plan:	Regional Commercial
	Zoning:	CR-1, Regional Commercial
	Environmental Determination:	Exempt, Section 15332, State CEQA Guidelines, In-fill Development Project Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	Historic Status:	None: commercial industrial lot with existing small structure(s)
	Zoning Area:	IV
	City Council District:	7
	Date Filed:	June 15, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council within 10 calendar days</i>
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email at mhackett@oaklandnet.com



2.	Location:	3001 Broadway
	Assessor's Parcel Number:	009-0705-008-00
	Proposal:	To serve beer & wine (ABC Type 41) for on-site consumption with meals in a approximately 1,654 square-foot limited service restaurant with a 11:00 pm closing time (Chipotle Mexican Grill).
	Applicant/ Phone Number:	Dwane Kennedy (415) 401-9300
	Owner:	30 th and Broadway LLC c/o Zimmerman Investments Lance Fong
	Case File Number:	PLN16100
	Planning Permits Required:	Major Conditional Use Permit with additional findings to allow an Alcoholic Beverage Sales Commercial Activity; Findings for Public Convenience Or Necessity (PCN) to allow new Alcoholic Beverage Sales in an over-concentrated area; Variances to allow a new Alcoholic Beverage Sales outside of the Central Business District (1) within 1,000 feet of an existing location and (2) within 1,000 feet of a civic uses (parks; school) in an over-concentrated area as required by PCN findings
	General Plan:	Community Commercial
	Zoning:	D-BV-3/N Downtown Broadway Valdez Zone – 3/N
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operations); Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan, or zoning
	Historic Status:	None
	Zoning Area:	II / Metro
	City Council District:	3
	Date Filed:	April 11, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council within 10 calendar days</i>
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email at mhackett@oaklandnet.com



3.	Location:	The public Right of Way in front 3169 Davis Street on a JPA Telephone Pole
	Assessor's Parcel Number:	027-0845-007-00
	Proposal:	To install one (1) telecommunication canister antenna on an existing wood PG&E utility pole 18 feet above ground with the associated equipment mounted to the pole at 6 feet high and up.
	Applicant:	Extenet Systems
	Contact Person/Phone Number:	Ana Gomez for Black & Veatch (913) 458-9148
	Owner:	Pacific Gas & Electric PG&E
	Case File Number:	PLN16317
	Planning Permits Required:	Regular Design Review to install one (1) telecommunication canister antenna on an existing wood PG&E utility pole 18 feet above ground with the associated equipment mounted to the pole at 6 feet high and up.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-3 Mixed Housing Type Residential
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations of existing facilities. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	No Historic Record – Utility Pole
	Service Delivery District:	3
	City Council District:	5
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email at mbradley@oaklandnet.com



4.	Location:	The public Right of Way adjacent to 1985 Harrington Avenue. Nearest lot adjacent to the project site.
	Assessor's Parcel Number:	032-2084-032-00
	Proposal:	Installation of a wireless telecommunication facility on a wooden utility pole located in the public right-of-way. The project involves replacement of an existing 38' tall wood utility pole with a 47' tall PG&E utility pole and installation of one canister antenna measuring 23.5" long and 7.9" in diameter at a height of 22'11" and two radio units (7.9" tall and 7.9" wide) mounted at a height of 10'6" above ground.
	Applicant:	Extenet Systems (California) LLC.
	Contact Person/Phone Number:	Ana Gomez (913) 458-9148
	Owner:	Pacific Gas & Electric (PG&E)
	Case File Number:	PLN16299
	Planning Permits Required:	Major Design Review to install a wireless Telecommunication Macro Facility on a PG&E replacement pole located in RM-2 Zone.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-2 Mixed Housing Type Residential Zone.
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; New construction or conversion of small structures. 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; Survey Rating: N/A
	Service Delivery District:	3
	City Council District:	5
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandnet.com



5.	Location:	2913 Morgan Avenue
	Assessor's Parcel Number:	029-0982-001-00
	Proposal:	The project involves the conversion of the lower floor of a single-family dwelling unit into an additional residential unit on a lot that already contains two detached residential units for a total of three (3) residential units on a 9,813 square foot lot.
	Applicant:	Donald Wardlaw, AIA
	Contact Person/ Phone number:	(510) 318-2752
	Owner:	Garrett Riegg
	Case File Number:	PLN16260
	Planning Permits Required:	Major Conditional Use Permit to allow three (3) or more residential units in the RM-2 Zone; Regular Design Review for construction of a residential dwelling unit.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-2 Zone
	Environmental Determination:	Exempt, State CEQA Guidelines Sections 15301: Existing Facilities; 15303: New Construction or Conversion of Small Structures; and 15183: Projects consistent with a Community Plan, General Plan, or Zoning.
	Historic Status:	Not a Historic property.
	Service Delivery District:	3
	City Council District:	4
	Date Filed:	August 17, 2016
	Finality of Decision:	Appealable to City Council within 10 calendar days
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email at jmadani@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.



This item has been continued to the December 21, 2016, Planning Commission Meeting.

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.

7.	Location:	0 Gravatt Drive
	Assessor's Parcel Numbers:	048H760606400; 06500
	Appeal:	Appeal of an Administrative Determination that the subject properties are "Creekside" properties under Oakland's Creek Protection Ordinance (Oakland Municipal Code (OMC) Chapter 13.16
	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:	CEQA Guidelines sections 15307 and/or 15308 (Actions by Regulatory Agencies for Protection of Natural Resources and/or of the Environment) and 15061(b)(3) (general rule; no possibility of significant effect on the environment)
	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
	Staff Recommendation:	Deny the appeal and uphold the Watershed Program Supervisor's decision that the properties are Creekside Properties
	Finality of Decision:	Final (Not Appealable Pursuant to OMC Sec. 13.16.450)
	For Further Information:	Contact case planner Caesar Quitevis at (510) 238-6343 or by email at cquitevis@oaklandnet.com
	Finality of Decision:	



COMMISSION BUSINESS

Approval of Minutes

October 19, 2016 – Design Review Committee
November 16, 2016 – Zoning Update Committee
November 16, 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 21, 2016

Revised November 18, 2016, to reflect the addition of Item #7.

Revised November 21, 2016, to reflect change of venue and minor grammatical edits to Items #4 and #5.

Revised November 30, 2016, to reflect changes to parking location and availability.

Revised December 1, 2016, to reflect continuance of Item #6 to the December 21, 2016, Planning Commission Meeting.