



Adhi Nagraj, Chair
Emily Weinstein, Vice Chair
Jonathan Fearn
Tom Limon
Clark Manus
Amanda Monchamp
Jahmese Myres

July 5, 2017
Regular Meeting

Revised June 26, 2017 – See end of agenda.

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.

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.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.

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:	Utility pole in public right-of-way (sidewalk) adjacent to: 2481 67th Avenue
	Assessor’s Parcel Number(s):	Adjacent to: 039-3260-013-00
	Proposal:	To establish a “small cell site” telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment up to 21’-3” on a 43’ wooden utility pole located in the public right-of-way (sidewalk).
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	Joint Pole Authority (including PG&E)
	Case File Number:	PLN16355
	Planning Permits Required:	Major Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Detached Unit Residential
	Zoning:	Detached Unit Residential (RD-1)
	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
	City Council District:	6
	Date Filed:	November 18, 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 Danny Thai at (510) 238-3584 or by email at dthai@oaklandnet.com .



2.	Location:	Utility pole in right-of-way (sidewalk) adjacent to: 1846 68 th Ave. (At intersection of 68 th Ave. and Avenal Ave.)
	Assessor's Parcel Number(s):	Adjacent to: 039-3251-001-00
	Proposal:	To establish a "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment up to 21'-3" on a 43' wooden utility pole located in the public right-of-way (sidewalk).
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	Joint Pole Authority (including PG&E)
	Case File Number:	PLN16371
	Planning Permits Required:	Major Review with additional findings for Macro Telecommunications Facility
	General Plan:	Detached Unit Residential
	Zoning:	Detached Unit Residential - 1 Zone (RD-1)
	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
	City Council District:	6
	Date Filed:	November 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 Danny Thai at (510) 238-3584 or by email at dthai@oaklandnet.com .

3.	Location:	Utility pole in right-of-way (sidewalk) adjacent to: 6833 Arthur Street (At intersection of Arthur St. and Church St.)
	Assessor's Parcel Number(s):	Adjacent to: 039-3262-004-00
	Proposal:	To establish a "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment up to 21'-3" on a 43' wooden utility pole located in the public right-of-way (sidewalk).
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	Joint Pole Authority (including PG&E)
	Case File Number:	PLN16367
	Planning Permits Required:	Major Design Review with additional findings for Macro Telecommunications Facility
	General Plan:	Detached Unit Residential
	Zoning:	Detached Unit Residential - 1 Zone (RD-1)
	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
	City Council District:	6
	Date Filed:	November 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 Danny Thai at (510) 238-3584 or by email at dthai@oaklandnet.com .



4.	Location:	City Street light pole in sidewalk adjacent to 2040 Telegraph Avenue
	Assessor's Parcel Number(s):	Adjacent to: 008-0649-001-01
	Proposal:	To establish a new "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment to a 28' City street light pole located in the sidewalk; the antenna would be attached to the top at up to 32'-3" and equipment at approx. 9' to 14'-3".
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	Joint Pole Authority (JPA) including PG&E
	Case Number:	PLN16432
	Planning Permits Required:	Major Conditional Use Permit and Design Review with additional findings for a Monopole Telecommunications Facility in the CBD-P zone and within 300 feet of a Residential Zone.
	General Plan:	Central Business District
	Zoning:	CBD-P Central Business District - Pedestrian Zone
	Environmental Determination:	Exempt, under the State CEQA Guidelines Section 15301: Minor alteration to existing Facilities; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic property
	City Council District:	3
	Date Filed:	December 9, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com .

5.	Location:	City Street light pole in sidewalk adjacent to 548 Thomas L. Berkley Way
	Assessor's Parcel Number(s):	Adjacent to: 008-0645-009-01
	Proposal:	To establish a new "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment to a 28' tall in-kind replacement City street light pole located in the sidewalk; the antenna would be attached to the top at up to 32'-3" and equipment at approx. 9' to 15'.
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	City of Oakland
	Case Number:	PLN16433
	Planning Permits Required:	Major Conditional Use Permit and Design Review with additional findings for a Monopole Telecommunications Facility in the CBD-X zone and within 300 feet of a Residential Zone.
	General Plan:	Central Business District
	Zoning:	CBD-X Central Business District – Mixed Commercial Zone
	Environmental Determination:	Exempt, under the State CEQA Guidelines. Section 15301: Minor alteration to existing Facilities; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic property
	City Council District:	3
	Date Filed:	December 9, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com .



6.	Location:	City Street light pole in sidewalk adjacent to 555 19th Street
	Assessor's Parcel Number(s):	Adjacent to: 008-0642-017-00
	Proposal:	To establish a new "small cell site" telecommunications facility, in order to enhance existing services, by attaching an antenna and equipment to an existing 28'tall City street light pole located in the sidewalk; the antenna would be attached to the top at up to 32'-3" and equipment at approx. 9' to 15'.
	Applicant / Phone Number:	Ana Gomez/Black & Veatch & Extenet (for: T-Mobile) (913) 458-9148
	Owner:	City of Oakland
	Case Number:	PLN16434
	Planning Permits Required:	Major Conditional Use Permit and Design Review with additional findings for a Monopole Telecommunications Facility in the OS(NP) zone and within 300 feet of a Residential Zone.
	General Plan:	Urban Park and Open Space
	Zoning:	OS (NP) Open Space Zone - Neighborhood Park
	Environmental Determination:	Exempt, under the State CEQA Guidelines. Section 15301: Minor alteration to existing Facilities; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic property
	City Council District:	3
	Date Filed:	December 9, 2016
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com .

7.	Location:	The Public Right of Way near 2025 Telegraph Avenue on a City Light Pole
	Assessor's Parcel Number(s):	(008-645-001-02) nearest lot adjacent to the project site.
	Proposal:	Installation of a wireless telecommunication facility on a 28' City light pole located in the public right-of-way. The project involves installation of one (1) antenna measuring 24" long and 14.6" in diameter located within shroud at a height of 29'-6" and two radio units (7.80" wide and 7.80" tall and 3.93" deep) will be placed within two equipment shrouds measuring 28" long, 9.8" wide and 7.3" deep for a total of four radio units mounted at a height of 14'-4" and 17'-8" above ground; a fiber splice box measuring 6 3/4" tall, 4 3/4" wide and 2 1/8 "deep mounted on the pole at 3'-4".
	Applicant:	Black & Veatch for Extenet Systems/Verizon Wireless
	Contact Person/ Phone Number:	Ana Gomez of Black & Veatch (913) 458-9148
	Owner:	City of Oakland
	Case File Number:	PLN17118
	Planning Permits Required:	Major Conditional Use Permit and Design Review to install a wireless Monopole Telecommunications Facility on an existing City light pole located in the public right - of- way in a residential zone.
	General Plan:	Central Business District
	Zoning:	CBD-P Central Business District Pedestrian Zone.
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing PG&E utility pole; Section 15303, 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:	No Historic Record – City light Pole
	City Council District:	3
	Date Filed:	April 29, 2017
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandnet.com .



8.	Location:	The public Right of Way near 1911 Telegraph Avenue on a City Light Pole
	Assessor Parcel Numbers:	(008-716-058-00) nearest lot adjacent to the project site.
	Proposal:	Installation of a wireless telecommunication facility on a 28' City light pole located in the public right-of-way. The project involves installation of one (1) antenna measuring 24" long and 14.6" in diameter located within shroud at a height of 29'-6" and two radio units (12.05" wide and 27.17" tall and 7.01" deep) mounted at a height of 14'-9" and 18' above ground; a fiber splice box measuring 6 3/4" tall, 4 3/4" wide and 2 1/8 "deep mounted on the pole at 3'-4".
	Applicant:	Black & Veatch for Extenet Systems/Verizon Wireless
	Contact Person/ Phone Number:	Ana Gomez of Black & Veatch (913) 458-9148
	Owner:	City of Oakland
	Case File Number:	PLN17131
	Planning Permits Required:	Major Conditional Use Permit and Design Review to install a wireless Monopole Telecommunications Facility on an existing City light pole located in the public right - of- way in a residential zone.
	General Plan:	Central Business District
	Zoning:	CBD-P/CBD-R Central Business District Pedestrian and Residential Zone.
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an existing PG&E utility pole; Section 15303, 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:	No Historic Record – City light Pole
	City Council District:	3
	Date Filed:	May 2, 2017
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email at jmadani@oaklandnet.com .

9.	Location:	The Public Right-of-Way adjacent to West Oakland BART near Fifth Street at Center Street
	Assessor's Parcel Number(s):	004 -0071-003-00
	Proposal:	The installation of an unmanned wireless telecommunications facility onto an existing public utility pole in the right-of-way on 5 th Street near Center Street; facility includes one antenna mounted at approximately at 34'-1" pole height and associated equipment will be mounted onto the pole approximately 10' above the right-of-way. All public utilities will remain on the pole.
	Applicant:	On Air LLC for Verizon Wireless
	Contact Person/ Phone Number:	Jay Gruendle (707) 477-2782
	Owner:	City of Oakland / PG&E
	Case File Number:	PLN17089
	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:	Community Commercial
	Zoning:	S-15W Transit Oriented Development Commercial 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 PDHP; Survey rating: NA
	City Council District:	3
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or by email at jherrera@oaklandnet.com .



10.	Location:	“Bombera Bar & Grill” 3455-3459 Champion St (former City fire station no. 14)
	Assessor’s Parcel Number(s):	028-0905-013-02
	Proposal:	To convert a former City fire station into a 4,900 square-foot full-service restaurant serving alcoholic beverages (beer & wine) including a 600 s.f. front patio seating, no on-site parking, an 11:00 P.M. closing time, &, façade changes and a 1,400 s.f. / 10’ tall upper addition of non-customer space to total 30’ in height at rear only
	Applicant / Phone Number:	Ms. Dominica Rice (415) 385-4914
	Owner:	City of Oakland (sale pending to: Ms. Rice)
	Case File Number:	PLN17196
	Planning Permits Required:	Major Conditional Use Permit for a full-service restaurant located within 200 feet of a restricted street (MacArthur Blvd) to serve alcoholic beverages; Regular Design Review for an addition exceeding 1,000 square-feet in floor-area
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-1 Neighborhood Commercial Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation; additions); Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic property
	City Council District:	4
	Date Filed:	May 23, 2017
	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 .

11.	Location:	2042 Mountain Blvd.
	Assessor’s Parcel Number(s):	048F-7357-004-00
	Proposal:	To allow a limited service restaurant “Mountain Mike’s” within the ground floor of a commercial space and include the sale of beer and wine (Type 41 ABC License) at. Hours of operation will be seven days a week 11:00am -10:00pm.
	Applicant:	David J. Elliot
	Contact Person/ Phone Number:	David J. Elliot (831) 985-9668
	Owner:	Raimond’s Montclair Paint & Wall Paper
	Case File Number:	PLN17092
	Planning Permits Required:	Major Conditional Use Permit to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity (Sec. 17.103.030 (B) (2) & (3); Additional Conditional Use Permit Findings for Activities in CN zones (Sec. 17.33.01(L4) & 17.33.030).
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-1 Neighborhood Center Mixed Use 1 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Not a PDHP; Survey rating: NA
	City Council District:	4
	Finality of Decision:	Appealable to City Council within 10 Days
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or by email at jherrera@oaklandnet.com .



12.	Location:	3506 MacArthur Blvd
	Assessor's Parcel Number(s):	030-1898-012-00
	Proposal:	To serve alcoholic beverages at a full service restaurant "Burger & BBQ" with a 12:00 A.M. closing time.
	Owner:	Best By Farr, Inc.
	Applicant:	Jemma Lester (510) 289-3958
	Case File Number:	PLN17046
	Planning Permits Required:	Major Conditional Use Permits for alcoholic Beverage Sale (request for Type 48 State Alcohol License) located on a restricted corridor; and Minor Conditional Use Permit to allow for Open facilities non-residential .
	General Plan:	Neighborhood Commercial Mixed Use
	Zoning:	CN-2 Neighborhood Commercial Zone
	Environmental Determination:	Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Non historic property
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Decision on application based on staff report
	Staff Recommendation:	Approval subject to conditions
	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 .

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 was continued from the June 21, 2017, Planning Commission meeting.

13.	Location:	2418 Broadway
	Assessor's Parcel Number(s):	008-0673-002-00
	Proposal:	To establish a new bar/cocktail lounge within a 1,900 square-foot space and 2:00 a.m. closing time.
	Owner:	Gregory Garrity
	Applicant:	Adi Taylor / 2418 Broadway LLC
	Case File Number:	PLN15353
	Planning Permits Required:	Major Conditional Use Permits for alcoholic Beverage Sale (request for Type 48 State Alcohol License); and Findings for Public Necessity or Convenience.
	General Plan:	Central Business District
	Zoning:	D-BV-2
	Environmental Determination:	Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); 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: Ed3 -circa 1912
	City Council District:	3
	Status:	Pending
	Action to be Taken:	Decision on application based on staff report
	Staff Recommendation:	Approval subject to conditions
	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.




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: July 19, 2017

**Revised June 26, 2017, to reflect addition of Item #13 that was continued from the
June 21, 2017, Planning Commission meeting.**