



*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

The meeting was called to order at approximately **6:00pm**.

ROLL CALL

Present: Limon, Manus, Monchamp, Pattillo, Weinstein, Nagraj
Excused: Myres

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Item #.5 was moved from the Consent Calendar to Public Hearings.

Director's Report

None.

Committee Reports

Vice-Chair Weinstein summarized the Zoning Update Committee that met immediately before this meeting.

Commission Matters

The January 4, 2017, meeting has been moved to January 11, 2017. The Clay Street Garage will close as of December 1, 2016. The Dalziel Building Garage will remain open to accommodate parking for City meetings.

City Attorney's Report

None.

OPEN FORUM

None.

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。



CONSENT CALENDAR

Item #.5 was removed from the Consent Calendar and heard as the first Public Hearing item.

The Consent Calendar was called at approximately 6:05pm.

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 .

Motion by Commissioner Pattillo to approve the consent calendar, seconded by Commissioner Weinstein.

Ayes: Limon, Manus, Pattillo, Weinstein, Nagraj.
Noes:

Approved with 5 ayes and 0 noes.



PUBLIC HEARINGS

This item was called at approximately 6:07pm.

.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

Staff Member: Jose Herrera-Preza

Public Speakers: Dale Tobinon (5 minutes), MC Taylor (3minutes), Jerry Ostrander (5 minutes), Norberto Michael Escamilla, Lynne Ostrander, Simone Erlich (3 minutes), James Haverkamp (3 minutes). **Public session closed.**

Motion by Vice-Chair Weinstein to affirm staff's environmental determination of CEQA 15270 and to deny the Major Design Review permit based on the attached findings, seconded by Commissioner Pattillo.

Ayes: Limon, Manus, Pattillo, Weinstein, Nagraj
Noes:

Approved with 5 ayes and 0 noes.



Commissioner Monchamp arrived and this item was called at approximately 6:41pm.

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

Staff Member: Moe Hackett

Applicant: Chris Curtis, Principal

Public Speakers: None.

Motion by Commissioner Patillo to affirm staff's environmental determination, approve the Conditional Use Permit for group assembly and alcoholic beverage sales, and additional findings for conditionally permitted sales of alcohol and public convenience or necessity for alcoholic beverage sales at 205 Alice Street based on findings and subject to the attached conditions, seconded by Commissioner Limon.

Ayes: Limon, Manus, Pattillo, Monchamp, Weinstein, Nagraj
Noes:

Approved with 6 ayes and 0 noes.



APPEALS

This item was called at approximately 6:50pm.

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 .

Staff Member: Pete Vollmann

Appellant: Robia Crisp, Land-use attorney representing homeowners at 829 21st Street.

Public Speakers: Eric Gordon (Unit #1), Travis Novak (Unit #5), Robin Mars (823 21st St), Erin Kelsey (Unit #2), Bryan Alberstat (Rear Unit), Koonal Parmar. Public session closed.



Motion by Vice-Chair Weinstein to grant the appeal, seconded by Commissioner Monchamp. The item will return to the Planning Commission at a date uncertain with updated findings and conditions. Clarification by Celena Chen of the City Attorney's Office that this is a straw vote to direct staff to return with findings to approve the appeal based on the reasons that were enunciated in this meeting.

Ayes: Limon, Manus, Pattillo, Monchamp, Weinstein, Nagraj
Noes:

Approved with 6 ayes and 0 noes.

COMMISSION BUSINESS

Approval of Minutes

October 5, 2016 – Planning Commission

Motion to approve October 5, 2016, minutes by Commissioner Weinstein, seconded by Commissioner Limon.

Ayes: Limon, Pattillo, Weinstein
Noes:
Abstentions: Manus, Monchamp, Nagraj

Approved with 3 ayes, 0 noes, and 3 abstentions

October 19, 2016 – Planning Commission

Motion to approve October 19, 2016, minutes by Commissioner Pattillo with one change: on page 5, line 1 of the Commissioner's comments the line should read that "that the building has been expanded..." and not the BCDC, seconded by Commissioner Limon.

Ayes: Limon, Manus, Pattillo, Monchamp, Weinstein
Noes:
Abstentions: Nagraj

Approved with 5 ayes, 0 noes, and 1 abstention

October 19, 2016 – Design Review Committee

Unable to approve due to absence of Commissioner Myres.

November 2, 2016 – Planning Commission

Motion to approve November 2, 2016, minutes by Commissioner Monchamp, seconded by Commissioner Manus.

Ayes: Limon, Manus, Pattillo, Monchamp, Weinstein, Nagraj
Noes:

Approved with 6 ayes, and 0 noes



Correspondence None.

City Council Actions None.

ADJOURNMENT

The meeting was adjourned at approximately 7:56pm.

ROBERT MERKAMP
Development Planning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: December 7, 2016