



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

**August 3, 2016
Regular Meeting**

MEAL GATHERING 5:15 P.M.

Saigon Restaurant, 326 Frank H. Ogawa Plaza, 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 p.m.**, 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

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

Department, 250 Frank H. Ogawa Plaza, Oakland, California 94612. Reports are also available at the Strategic Planning Division on the 3rd floor (Suite 3315), which closes at 5:00 p.m.

Staff reports are also available online, generally by 3:00 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 Cheryl Dunaway at cdunaway@oaklandnet.com or 510-238-2912 or Jonathan Arnold at jarnold@oaklandnet.com or 510-238-6194 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

Election of a new Chair and Vice Chair

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.

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| 1. | <p>Location: 2242 Magnolia Street APN: 005-0426-022-01</p> <p>Proposal: The project involves subdivision of a 16,028 square- foot vacant lot into eight (8) mini-lots and construction of sixteen (16) new residential dwelling units (a duplex per lot). There are two off-street parking spaces are provided on each lot for a total of 16 parking spaces for this development.</p> <p>Applicant: Francesca Boyd</p> <p>Contact Person/ Phone number: (510) 301-9630</p> <p>Owner: Albert Sukoff</p> <p>Case File Number: PLN15-060/TTM8241</p> <p>Planning Permits Required: Tentative Tract Map for mini-lots subdivision to create eight (8) mini lots; Minor Conditional Use Permits for Mini-Lot Development and for a shared Access Facility. Regular Design Review for new construction of sixteen (16) residential units (two units per lot).</p> <p>General Plan: Housing and Business Mix</p> <p>Zoning: HBX-4 Zone</p> <p>Environmental Determination: State CEQA Guidelines: Categorically Exempt, Sections 15332; Infill developments, Special Situation, Section 15183, Projects consistent with a Community Plan, General Plan or Zoning</p> <p>Historic Status: Not Historical Property</p> <p>Service Delivery District: 1</p> <p>City Council District: 3</p> <p>Date Filed: 4/26/16</p> <p>Finality of Decision: Appealable to City Council within 10 calendar days</p> <p>For Further Information: Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@oaklandnet.com</p> |
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2. **Location:** 5917 Bromley Avenue (APN: 038-3215-011-01)
Proposal: To create a thirteen unit townhome style development.
Applicant: Mark H. Snow and Kent Lau
Contact Person/Phone Number: Mark H. Snow (435)275-6900 and Kent Lau (510) 816-1381
Owner: Community First Development Fund III, LLC
Case File Number: PLN15395
Planning Permits Required: Major Conditional Use Permit and Regular Design Review to allow for the creation of a 13 unit townhome development. Minor Variance to allow for substandard open space
General Plan: Mixed Housing Type Residential
Zoning: RM-4 Mixed Housing Type Residential Zone
Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; In-fill Development. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status: None (vacant lot)
Service Delivery District: 4
City Council District: 6
Status: Pending
Action to be Taken: Decision of Application
Finality of Decision: *Appealable to City Council*
For Further Information: Contact case planner **Moe Hackett** at (510) 238-39730 or by email: mhackett@oaklandnet.com

3. **Location:** 1112 26th Street APN: 005-0447-014-01
Proposal: To convert an existing two-story mix-use building into three (3) residential units and one commercial office space located on a 7,668 square foot lot. There are 3 off-street parking spaces are provided at the side and the rear portion of lot.
Applicant: Fred Hyer– Hyer Architecture
Contact Person/ Phone number: (510) 526-1915
Owner: Oak Tree Properties LLC
Case File Number: PLN16-063
Planning Permits Required: Major Conditional Use Permit to allow three residential units in the RM-2 zone; Regular Design Review to convert mix use building into three residential units; Minor Variance to allow an existing building located on the side property line where 5’ minimum is required.
General Plan: Mixed Housing Type Residential, and West Oakland Specific Plan
Zoning: RM-2 Mixed Housing Type Residential Zone
Environmental Determination: Exempt, Section 15301 and 15303 of the State CEQA Guidelines: conversion of mix use building into three residential units and one commercial office space ; Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning
Historic Status: No a Historic property.
Service Delivery District: 1
City Council District: 3
Date Filed: 5/13/16
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: 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.



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| 4. | Location: CITYWIDE |
| | Proposal: Revised proposal to establish a new citywide food vending permit program that would replace Oakland’s existing food vending permit types and programs. The revised 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 revised new program would also permit group site vending citywide. Ordinance would 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: 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 is a continued item from Planning Commission public hearing on June 1, 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 dreiff@oaklandnet.com |



5. **Location:** 301 12th Street (full block, APN 002 -0063-006-00) and 285 12th Street (quarter block, APN 002 -0069-003-01)
- Proposal:** Construct two 7-story mixed use developments. Building 1 would be located within one full block at 301 12th Street and contain 339 units with approximately 24,600 square feet of ground floor commercial, replacing an existing warehouse building. Building 2 would be located within one quarter of a block at 285 12th Street and contain 77 units with approximately 1,600 square feet of ground floor commercial on an existing undeveloped lot.
- Applicant:** Emerge, Steven Kay esq.
- Contact Person/Phone Number:** Martin Group, Justin Osler (415) 429- 6044
- Owner:** Richard S. Cochran and Susan L. Cochran Family Trust, et al.
- Case File Number:** PLN16133
- Planning Permits Required:** Regular Design Review for new construction; Major Conditional Use Permit for a development with more than 100,000 square feet of floor area in a D-LM zone, Minor Conditional Use Permit to allow a building base height of up to 85 feet; Tentative Parcel Map for new condominiums
- General Plan:** Central Business District / Lake Merritt Station Area Plan
- Zoning:** D-LM-4 Zone, LM-175 Height, Intensity and Bulk Area, Webster and Harrison Streets are designated as Transitional Commercial Corridors
- Environmental Determination:** A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions: 15183 - Projects consistent with a community plan, general plan, or zoning; 15183.3 – Streamlining for in-fill projects; and/or 15164 – Addendum to the 2014 certified Lake Merritt Station Area Plan EIR; Each of which provides a separate and independent basis for CEQA compliance.
- Starting on July 18, the CEQA Analysis document may be reviewed at the Bureau of Planning at 250 Frank Ogawa Plaza, 2nd Floor or on-line at <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>
- Historic Status:** No historic properties.
- Planning District:** Metro
- City Council District:** 2
- 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 **Christina Ferracane** at **510-238-3903** or cferracane@oaklandnet.com



6. **Location:** 277 27th Street (24th & Harrison)
 (APN: 008-0671-020-01; -021-01; -023-03; -024; & -025)

Proposal: Proposal to construct a new mixed use development with approximately 65,000 square feet of retail and a residential tower of 18 stories containing 437 dwelling units. The project site is Retail Priority Site 4B in the Broadway Valdez District Specific Plan.

Applicant: Holland Partner Group

Contact Person/Phone Number: John Wayland – (925) 226-2466

Owner: David Robb / Douglas Marshall

Case File Number: PLN16-080

Planning Permits Required: Regular Design Review for new construction, Major Conditional Use Permit to allow D-BV-1 Zone Bonuses; Minor Variance for three loading berths where six are required; and Vesting Tentative Parcel Map to merge five parcels into two and create new condominiums.

General Plan: Central Business District

Zoning: D-BV-1, Broadway Valdez District Retail Priority Sites Commercial Zone

Environmental Determination: A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions:
 15183 - Projects consistent with a community plan, general plan, or zoning;
 15183.3 – Streamlining for in-fill projects; and/or
 15164 – Addendum to the 2014 certified Broadway Valdez District Specific Plan EIR;
 Each of which provides a separate and independent basis for CEQA compliance.
 The CEQA Analysis document may be reviewed at the Planning Bureau offices at 250 Frank Ogawa Plaza, 2nd Floor or on-line at <http://www2.oaklandnet.com/Government/o/PBN/OurServices/Application/DOWD009157>

Historic Status: Potentially Designated Historic Property (PDHP);
 Rating: C2+ (Orin Gate)

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 Pete Vollmann at (510) 238-6167 or by email: pvollmann@oaklandnet.com



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| 8. | Location: | 5516 San Pablo Ave. Broadway (See map on reverse) |
| | Assessor's Parcel Numbers: | (015 -1308-016-00) |
| | Proposal: | To allow for an expansion of an existing Alcoholic Beverage Sales Activity "Wolfhound Bar" into a portion of the adjacent commercial space. The existing bar is 968 square feet and will expand 393 square feet. |
| | Applicant: | Peadar Kelleher, Keith Mulligan, Christopher Southgate |
| | Contact Person/ Phone Number: | Peadar Kelleher (415) 706-3550 |
| | Owner: | Wally Whittier |
| | Case File Number: | PLN14018-R01 |
| | Planning Permits Required: | Amendment to existing Major Conditional Use Permit to allow the expansion of an Alcoholic Beverage Sales Activity; Findings of Public Convenience or Necessity in an over concentrated area and major variance for separation on a restricted street. |
| | General Plan: | Community Commercial |
| | Zoning: | CC-2 Community Commercial 2 Zone |
| | Environmental Determination: | Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures, 15301 existing facilities; 15183 Projects consistent with the General Plan or Zoning. |
| | Historic Status: | Potentially Designated Historic Property (DHP); Survey rating: C3 |
| | Service Delivery District: | Metro |
| | City Council District: | 3 |
| | Date Filed: | 01/19/16 |
| | Finality of Decision: | Appealable to City Council |
| | For Further Information: | Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@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: September 7, 2016.