



Oakland City Planning Commission

MINUTES

Amanda Monchamp, Chair
Tom Limon, Vice-Chair
Jonathan Fearn
Nischit Hegde
Clark Manus
Jahmese Myres
Sahar Shirazi

January 22, 2020
Regular Meeting

WELCOME BY THE CHAIR

Commissioner Monchamp

ROLL CALL

Commissioners Present:

Nischit Hegde, Clark Manus, Jahmese Meyers, Jonathan Fearn
Tom Limon, Amanda Monchamp

Excused: Sahar Shirazi

COMMISSION BUSINESS

Agenda Discussion	None
Director’s Report	None
Committee Reports	None
Commission Matters	None
City Attorney’s Report	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.



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.

PUBLIC SPEAKERS

- 1. Bob Tuck

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:	3820 Maybelle Avenue. APN: 030-1933-013-00
	Proposal:	To construct four (4) attached two-story residential units on a lot that already contains four attached two-story residential building for a total of eight (8) residential units located on a 12, 800 square foot lot. There are 8 off-street parking spaces are provided on site.
	Applicant:	Reid lerner Architects
	Contact Person/ Phone number:	(408) 842-9971
	Owner:	TSZ Keung Wong
	Case File Number:	PLN19-254
	Planning Permits Required:	Major Conditional Use Permit to allow eight (8) residential units in the RM-3 Zone; Regular Design Review to add four (4) additional residential dwelling units on a lot that already contains four (4) residential units for a total of eight (8) residential units.
	General Plan:	Mixed Housing Type Residential.
	Zoning:	RM-3 Mixed Housing Type Residential Zone
	Environmental Determination:	Exempt of the State CEQA Guidelines. 15303: Construction of Small Structures and 15183- Project Consistent with a General Plan or Zoning.
	Historic Status:	Not a Historic property.
	City Council District:	4
	Date Filed:	10/07/19
	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@oaklandca.gov

PUBLIC SPEAKERS: None



Motion made by: Commissioner Manus to Affirm staff’s environmental determination and Approve the Major conditional Use Permit, and Design Review subject to the attached Findings and Conditions of Approval

Seconded by: Commissioner Fearn

Action: 6 Ayes, 0 Noes

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.

ITEM #2 REMOVED FROM 1/22/20 AGENDA TO A DATE UNCERTAIN

2.	Location:	1316 97th Avenue
	Assessor’s Parcel Number(s):	044 49700200
	Proposal:	Appeal of the Zoning Manager’s Determination filed under DET190017 regarding the recognized legal number of units.
	Applicant/Owner:	Zulki Khan
	Case File Number:	DET190017-A01
	Planning Permits Required:	None
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM 2



Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15306, Information collection
Historic Status:	PDHP, OCHS Rating: C3
City Council District:	7
Finality of Decision:	Final (not administratively Appealable pursuant to OMC Sec. 17.132.030)
For Further Information:	Contact case planner Brittany Lenoir , Planner I at (510) 238-4977 or blenoir@oaklandca.gov

3. Location:	733 Apgar Street
Assessors Parcel Number:	012-0964-029-00
Proposal:	To demolish existing laundromat structure, create five mini-lots and construct four townhouse-style residential condominiums and one mixed-use (residential and commercial) condominium development.
Owner:	Apgar Street, LLC
Applicant:	Workshop 1 – Will Mollard (415)523-0304x1
Case Number:	PLN19-050 (TTM8505)
Planning Permits Required:	Minor Conditional Use Permit for a Mini-lot Development with private access and utility easements; Design Review to demolish existing laundromat structure, construct four townhouse-style residential and one mixed-use condominium development; Tentative Tract Map (TTM8505) to subdivide the site into five mini-lots.
General Plan:	Mixed Housing Type Residential
Zoning:	RM – 4 Mixed Housing Type Residential/ C - Residential Commercial Combining Zone
Environmental Determination:	Exempt 15332; State CEQA Guidelines, Infill development; 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 (PDHP); Survey Rating: X
City Council District:	1
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 Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com

Staff Member: Maurice Brenyan-Addow gave a verbal description of the project

Applicant: Will Mollard, Workshop 1, gave a verbal presentation of the project

Public Speakers: None



Motion made by: Commissioner Limon to Affirm Staff’s CEQA determination and Approve the Conditional Use Permit, Design Review and Tentative Tract Map subject to the attached Findings and Conditions of Approval.

Friendly Amendment: For Applicant to work with Staff to modify the First Floor Commercial Space to give a more integrated feel to the neighborhood.

Seconded by: Commissioner Manus

Action: 6 Ayes, 0 Noes

4.	Location:	2715 Adeline Street (See map on reverse)
	Assessors Parcel Number:	005-0446-001-01; 005-0446-001-02; 005-0446-008-01
	Proposal:	To demolish an existing industrial structure except for the old brick façade (formerly, the Coast Sausage Company), and construct a new 122,600 square-foot work-live and 20,000 square-foot commercial/light industrial building.
	Owner:	Oakland Lofts, LLC.
	Applicant:	Owow – Jeremy Harris (858)449-5270
	Case File Number:	PLN18088
	Planning Permits Required:	Major Conditional Use Permit to create 106 Work-Live units; Major Design Review for a development project involving more than 25,000 square feet of non-residential floor area
	General Plan:	Business Mix
	Zoning:	CIX-1A/1B/S-19
	Environmental Determination:	A detailed CEQA Analysis prepared for this project concluded that the proposed project, separately and independently, 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 15162 & 15164 – Addendum to the City of Oakland General Plan Land Use and Transportation Element (LUTE) (1998) and West Oakland Specific Plan (2014) EIRs. The CEQA Analysis document may be reviewed at the Planning Bureau offices at 250 Frank Ogawa Plaza, 2 nd Floor, Oakland CA 94612
	Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey Rating: D3 & *d3
	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 Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com



Staff Member: Maurice Brenyah-Addow gave a verbal presentation of the project

Applicant: Jeremy Harris & Danny Haber of OWoW gave a PDF presentation of the project.
Anne Campbell Washington gave supporting statements for the project on community
Envolment of the project

Public Speakers: 1. Bishop Payton 2. Miguel Alexander 3. Minh Sia 4. Michael Bodie
5. Rince Fouche 6. John Berrins 7. Christine Saied 8. Tim Lovett 9. Mark Jewel
10. Tevis Tarr 11. Ray Kidd 12. Phillip Cox 13. Mitheral Cox 14. Kent Catz 15. Ed McFarland
16. Danny Hubber 17. Jeremy Harris 18. Symone Maurice 19. Sanya Bushe 20. Ed Hemmett
21. Ronald Mohammad 22. Maurice Arnold 23. Raynat Fucray 24. John Berrins
25. Mel Rogers 26. Benta Iowfemi 27. Francis Rush 28. Maek Ewell 29. Jeremy Strickland
30. Paul Disco 31. Eric Obee 32. Armond Arcovein 33. Gilda Baker 34. Annette Miller
35. Miesha Haywood 36. Michael Vanetciano 37. Alvin Harrison 38. Giovanni Robles
39. Adam 40. Ricky McCullough 41. Tebian Mohammad 42. Dilland Row
43. Demincia La Flauer 44. Bijan Pinell 45. Sochel Moreno 46. Milo Traus 47. Marcus Lockett
48. Aaron Lebling 49. Jake 50. Bishop Charles Dickerson 51. James 52. Andrew Schriber
53. Alexis Owens 54. Jonathan Brumfield 55. Timothy Killins 56. Robert Martinez
57. Donnie Fallon 58. Vinvint Mitchell 59. Joe Frankel 60. Lauren Westrige
61. John Serigatti 62. Bridgett Cook 63. Courtney King 64. Musah Gamorah 65. Sarah Kirston
66. Cathy Adams 67. Dustin Hoffman 68. Adam Lamrough 69. Zolie Larwence
70. Shiloh Bare 71. Rashad Armstead 72. Earl Brown 73. Daniel 74. Alon 75. Elaine Brown

Motion made by: Commissioner Hegde to Continue item to appear at DRC no later than March 31, 2020 and use land use controls to ensure work/Live in perpetuity as to not encroach into just Live. And explore land use controls to cotify the affordability and to review the community benefits progress and cotification

Seconded by: Commissioner Meyers

Action: 0 Ayes, 6 Noes

Motion made by: Monchamp to extend the meeting past 7:30PM

Seconded by: Manus

Action: 5 Ayes, 0 Noes

Second Motion Made by: Hegde to have this project moved to Design Review by March 31, 2020 and have it come back to Planning Commission no later than April 30, 2020 to explore land use controls as far as we can to cotify some of the benefits that have been dissussed or offered by the developer. And find a way for staff to study assurances of Work/Live units so that they just don't turn into Live units and have an update and review of community benefits for the project.

Seconded by: Meyers



Action: 6 Ayes, 0 Noes

5.	Location:	5441 International Blvd. (APN: 041-3848-001-00)
	Proposal:	Public Hearing on the Draft Environmental Impact Report to obtain comments on the environmental analysis related to a proposal to demolish eight existing contaminated buildings, remediate the site, and construct an approximately 540,000 square foot warehouse. The site is located within the historic 57 th Avenue Industrial District Area of Primary Importance (API), and the proposed project includes the demolition of two contributors to the District. As part of the proposed project, the front “bulkhead” portion of Building #1 (i.e., the façade that contains early-20th century Classical Revival-inspire industrial architecture and a portion of the sides of the building) would be preserved and incorporated into the design of the new warehouse. A variant to the project that requires all project-related truck trips to access San Leandro Street rather than International Boulevard has also been proposed.
	Applicant:	Bridge Development Partners, LLC
	Contact Person/Phone Number:	Brendan Kotler – (213) 805-6350
	Owner:	Bridge Point Oakland, LLC
	Case File Number:	ER18-013/PLN19-076
	Planning Permits Required:	Regular Design Review for new construction including Category II Demolition Findings, and Major Conditional Use Permit to allow the industrial warehousing use that is permitted in the IG Zone that is partially located within the CN-3 Zoned portion of the project site.
	General Plan:	General Industrial Neighborhood Center Mixed Use
	Zoning:	IG/S-19, General Industrial/ Health and Safety Protection Zone CN-3, Neighborhood Commercial Zone - 3
	Environmental Determination:	Draft Environmental Impact Report was published for a 45-day review period from December 20, 2019 to February 3, 2020.
	Historic Status:	57 th Avenue Industrial District (API) OCHS Ratings: Building 1, Rating A1+, API Anchor; Building 2: Dc1+; API contributor
	City Council District:	5



Action to be Taken:	Receive public and Planning Commission comments on the Draft Environmental Impact Report. No decision on the project will be made at the hearing.
For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollmann@oaklandca.gov

Commission Business: Commissioner Monchamp recused herself from discussions on Item #5

Staff Member: Pete Vollmann gave a verbal presentation of the Project

Applicant: Angela Noah gave a PDF presentation of the project. Epa Ghandi, architect added input to the presentation.

Public Comment: Closed

Action: Commissioners provided input on DEIR and confirmed that project will go through Design Review As next steps.

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.

ITEM MOVED FROM PUBLIC HEARING TO APPEALS SECTION FOR 1/22/20 AGENDA

6.	Location:	0 Linden Street	3319 Linden Street
	APN:	005 0471-006-00	005 0471-005-00
	Proposal:	Appeal of the Zoning Manager’s Determination regarding the legality of a Construction Operations Industrial Activity	
	Applicant:	William H. McInerney Jr. (510) 465-7100	
	Owner:	Rahebi Properties	
	Appellant:	William H. McInerney Jr.	
	Case File Number:	APL190020	APL19019
	Original Case File Number:	DET190068	DET190067
	Planning Permits Required:	N/A	N/A
	General Plan:	Mixed Housing	Urban Residential



Zoning:	RM-2	RU-5
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15306, Information collection	
Historic Status:	N/A	
City Council District:	3	
Status:	The Zoning Decision Letter was mailed on July 2, 2019; Project appealed on July 11, 2019	
Staff Recommendation:	Deny the Appeal and uphold the Zoning Manager’s Decision.	
Finality of Decision:	Final (cannot be appealable to City Council pursuant to OMC Sec. 17.132.030)	
For Further Information:	Contact case Planner Eva Wu at (510) 238-3785 or ewu@oaklandca.gov	

Commission Business: Commissioner Monchamp returns from recusal of Item #5

Staff Member: Neil Gray, Planner gave verbal presentation of the project.

Appellant: Bill McEnry, representative for the Appellant, gave a verbal presentation

Motion Made By: Commissioner Meyers to Deny the Appeal, thereby upholding the Zoning Manager’s Determination that the Construction Operation Industrial Activities at 0 and 3319 Linden Street are in violation of the Planning Code and for Planning Staff to develop a compliance plan that requires the Appellant to vacate the property no later than one-year.

Seconded By: Commissioner Hegde

Action: 6 Ayes, 0 Noes

COMMISSION BUSINESS

Approval of Minutes None

Correspondence None

City Council Actions Brian Mulry reported out that Condo Conversion ordinance passed first reading At the January 20, 2020 Council meeting. Approval will change some aspects of Condo conversion application approvals. It will make it more difficult to Condo Convert. It will apply to 2-4 units, not just 5 and above units. In addition, there Will be a host of additional regulations that will be required to Condo convert.



ADJOURNMENT

at 11:30 P.M.

A handwritten signature in black ink, appearing to read "Robert D. Merkamp".

ROBERT D. MERKAMP
Zoning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: February 5, 2020