



ZONING MANAGER PUBLIC NOTICE

1. **Location:** 605 9th STREET, OAKLAND, CA 94607
APN: 001 021100600
Proposal: Re-Notification of a project previously noticed June 17, 2016, to demolish an existing one-story commercial building. New construction will consist of an eight-story residential building containing a ground floor lobby/parking area with 7 stories (25 units) of residential above.

Applicant / Phone Number: Joe Hernon / (415) 705-9922
Owner: Hoo Tom S & Yip Anthony Trs
Case File Number: **PLN16092**
Planning Permits Required: Regular Design Review for the new construction; and Minor Variance for a side yard setback encroachment on the south side of the building on floors 6, 7 and 8 due to the stairs and elevator not stepping inward at a one foot for every five feet above portions of the building over 55 feet; and Minor Conditional Use Permits for (1) an elevator penthouse above 12 feet with a proposal of 19 feet; (2) 23 off-street parking spaces where 24 are required (24 parking spaces required due to an excess of bicycle parking spaces provided, thus a reduction from 25).

General Plan: Central Business District
Zoning: CBD-R
Environmental Determination: 15332-In Fill Development; and 15183-Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status: Non-Historic Property
Service Delivery District: Metro
City Council District: 3
Action to be Taken: Pending
Finality of Decision: Appealable to Planning Commission
For Further Information: Contact case Planner **Michael Bradley** at (510) 238-6935 or by email: mbradley@oaklandnet.com

Your comments and questions, if any, should be directed to the **Bureau of Planning – Zoning**, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, California 94612-2031 within 17 calendar days of the posting of this notice. A decision will be made on the application after this date. If you challenge a decision on this case on appeal and/or in court, you will be limited to issues raised in correspondence delivered to the **Bureau of Planning – Zoning** prior to the close of the public comment period. If you wish to be notified of the decision on this case, please indicate the case number and submit a self-addressed stamped envelope for each to the **Bureau of Planning – Zoning**, 250 Frank H. Ogawa Plaza, 2nd Floor, Oakland, California 94612-2031.

Please note that the description of the application found above is preliminary in nature and that the project and/or such description may change prior to a decision being made. Except where noted, once a decision is reached by the Zoning Manager on these cases, they are appealable to the Planning Commission or the Commission’s Residential Appeals Committee. Such appeals must be filed within ten (10) calendar days of the date of decision by the Zoning Manager and by 4:00p.m. An appeal shall be on a form provided by the **Bureau of Planning – Zoning**, 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 City of Oakland or wherein the decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to file a timely appeal will preclude you from challenging the City’s decision in court. The appeal itself must raise every issue that is contested along with all the arguments and evidence previously entered into the record during the previously mentioned seventeen (17) day public comment period. Failure to do so will preclude you from raising such issues during the appeal hearing and/or in court.

POSTING DATE: September 30, 2016
COMMENTS DUE DATE: October 17, 2016



CITY OF OAKLAND

Bureau of Planning – Zoning Division

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Phone: 510-238-3911 Fax: 510-238-4730

ZONING MANAGER PUBLIC NOTICE

3. **Location:** 605 9TH STREET, OAKLAND, CA 94607 (APN: 001 021100600)
Proposal: To demolish one-story commercial building and construct an eight-story residential building, containing 25 residential units.
Applicant / Phone Number: Joe Hernon / (415) 705-9922
Owners: Hoo Tom S & Yip Anthony
Case File Number: PLN16092
Planning Permits Required: Regular Design Review for new construction.
General Plan: Central Business District
Zoning: CBD-R
Environmental Determination: 15332-In Fill Development; and
15183-Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status: Non-Historic Property
Service Delivery District: Metro
City Council District: 3
Action to be Taken: Pending
Finality of Decision: Appealable to Planning Commission
For Further Information: Contact case Planner **Michael Bradley** at (510) 238-6935 or by email:
mbradley@oaklandnet.com

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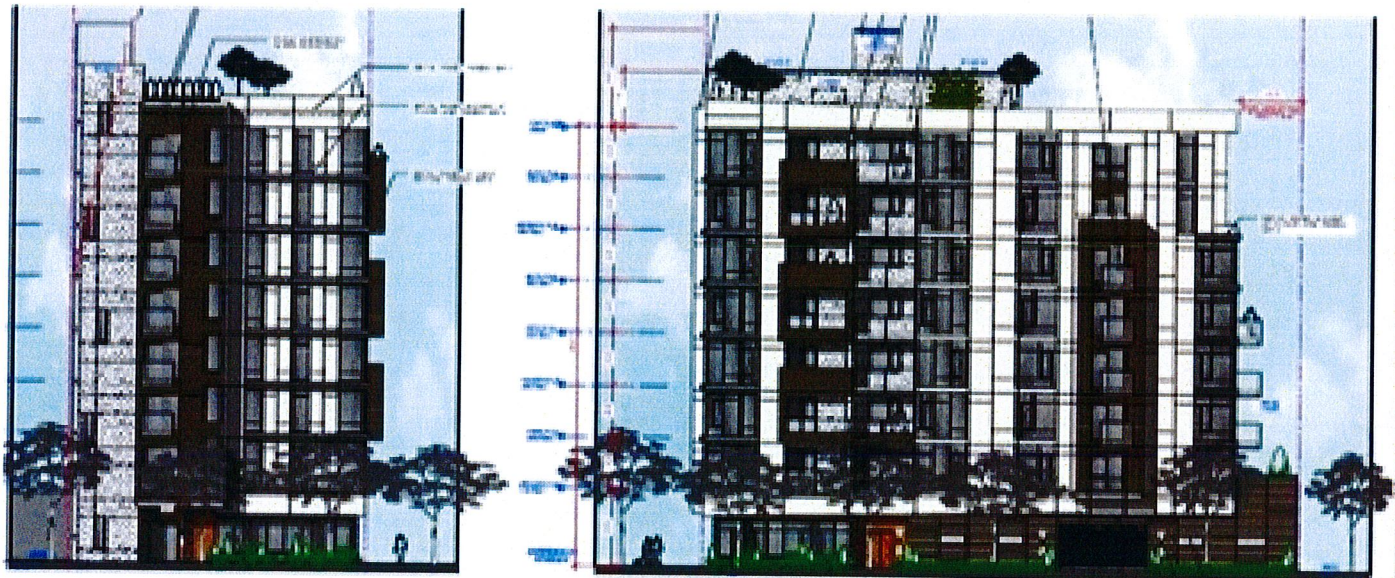
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POSTING DATE: June 17, 2016
COMMENTS DUE DATE: July 5, 2016

IT IS UNLAWFUL TO ALTER OR REMOVE THIS NOTICE WHEN POSTED ON SITE

COMMUNITY MEETING

605 9th Street Development



MONDAY

AUGUST 8, 2016

605 9th Street

7:00pm

The Hernon Group invites you to attend a community meeting to learn more about a new proposed housing development in Old Oakland and to share your ideas and concerns.

Please RSVP to Brigitte at (510)238-7245



Consuelo Jacobs <rikaevents@gmail.com>

Followup meeting with City Planners and Developers of 605 9th Tuesday Night

1 message

Tiffany Eng <hidekoeng@gmail.com>

Mon, Sep 19, 2016 at 12:31 PM

To: "oldoakland@yahoogroups.com" <oldoakland@yahoogroups.com>

Hi Neighbors -

There will be a second meeting with the City Planner (Michael Bradley) and the developers of 605 9th Street on Tuesday 6:30-8pm at 605 9th Street. This will be the second community meeting the developers have attended at request of Lynette McElhanney staff and neighbors.

At the first meeting, the developers presented their proposal and neighbors shared comments and reactions. The notes from the first meeting are shared below. City planning staff were not at that meeting, but will be at Tuesday's meeting to hear directly from residents, answer questions and share information on the current status of the project and the planning approval process. Some of this information was shared at the last meeting, and some will be updates. Some details from the planning office are included below as well.

In case you're wondering, it was shared at the last meeting that the public comment period formally ended in early July, and based on the size of this project (25 units), final approvals will be made by City staff and are not required to go to the Planning Commission for approval. As I understand it, the planners had notified the public about the project with Yellow signs on site from June 17th through July 6th.

If you are interested in building a relationship with our future neighbors, learning more about the project, and discussing any of your unresolved concerns or questions, please head on over to 605 Jefferson Tuesday at 6:30pm!

If you can't make it, direct comments to:
Joseph A. Hernon for the developer
joehernon@gmail.com | PH: 415-705 9922
The Hernon Group Inc.
1714 Franklin St. #100-244
Oakland CA 94612-3409

Michael Casey Bradley | Planner II | City Of Oakland | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone:(510)238-6935 | Email: MBradley@oaklandnet.com |

Best,
Tiffany

1. The project is currently complete and has been publicly noticed. At the 9/20/16 OON meeting, planning staff will listen to the concerns of the neighbors and members of the community. After that meeting, Planning will interpret the comments and could ask for revisions to the project in order to receive support of the project and ultimately an approval. This case is an administrative staff level project that will have a decision made by the Zoning Manager, Scott Miller and will not be going forward to Planning Commission based on the size of the project. Also, after the meeting a notice will go out to the neighbors informing them on the direction of the project and at that time if modifications are made the community will have an opportunity to comment on those as well. This information will be shared at the OON meeting.

The project consists of the following permits:

- a.) Design Review for demolition and new construction of a new eight (8) story, 25 unit residential building.
- b.) Minor Conditional Use Permit (CUP) for 23 parking spaces proposed where 25 are required. (The planning code will likely be changing next month to reduce this requirement thus depending on the notice and timing the CUP may be removed). Additionally, the applicant discussed making revisions at our last meeting, one of which would increase the bike parking from six (6) to 13-14 which would eliminate the need for one auto parking space, then changing the requirement to 24.
- c.) Minor Conditional Use Permit (CUP) for an elevator penthouse of 19' where 12' is permitted.
- d.) Minor variance for a side yard setback encroachment on floors 6, 7, and 8 due to the stairs and elevator not stepping at one foot for every five feet above portions of the building over 55 feet.

2. Floor Area Ratio (F.A.R.) for the CBD-R zone is 6.0 and is only for non-residential buildings or non-residential portions of mixed use buildings. Thus the project complies with the FAR and the upper floors are not applicable. As mentioned above a minor CUP is required for the elevator penthouse to exceed 12' with a proposal of 19'. The stair penthouses are proposed at 11' which are under the allowed 12' encroachment and do not require a CUP. The maximum height for the site is 85' with allowable encroachments for railings and penthouse structures.

Old Oakland Community Meeting

605 9th Street

August 8th 6:00pm – 8:30pm

Hosted by The Hernon Group

Attendees: 25

Resident Concerns

- The owner of the Flower Mart expressed concerns about lack of communication and notices of meeting; wanted an opportunity to share concerns and ask questions
- Per the residents, the project is above the zoned height – with the penthouse, counting stairs and the elevator, it is 104 feet, not 85 feet high. The building height was the top concern expressed by the majority of the attendees.
 - o THG explained that the zoning allows for the penthouse to be higher than 85 feet.
- What variances have THG requested?
 - o Parking variances to be applied for under a transit first model.
 - o Step backs at higher elevation – THG was not sure why the step backs were required
 - o Residents requested a written list of the variances and a plan for the construction if the variances are not approved. THG agreed to provide this information.
- The owner of the Flower Mart adjacent to the property expressed concerned about construction traffic, dust and shared wall and the subsequent impact on her business. She is also concerned on where the shadows will fall on her business and her parent's home across the street
- What is the timeline for the project?
 - o At least 6-9 months from Planning approval. Construction is 16-18 months.
- What are the plans for the underground work
 - o No structural plans have been solidified yet
- What is the floor area ratio of this building and what are the requirements for FAR from the city?
 - o Per THG, they did not have that info at the time, but would research to find out. They did not believe that FAR was required for residential development. The resident indicated that if the FAR was not met, then the height may have to be reduced.
- What is the possibility of public art on exposed white walls?
 - o THG to consider the possibility of public art
- Safety protocols to be detailed as part of standard conditions
- Has a shadow study been conducted?
 - o It wasn't required by the planners and one has not been planned. Per THG, the studies are expensive. The request will

be referred back to Planning.

- What is planned for the ground level retail?

- o It is a very small area that will only accommodate a cafe or coffee bar

- Are the units all market rate and if so why?

- o Impact fees will be in effect for this development between \$7500 - \$12k, and that money will go to the affordable housing fund

- A few expressed concerns about the design. Residents want to see it look more like the buildings around it.

- Until the demolition, can the owner keep the building clean and free of graffiti.

- o THG said they would look at options, including a mural, but that there are no guarantees if would remain graffiti free without security

- The residents asked for a follow up meeting with more notice and more time to ensure greater participation

- CM McElhaney's office suggested that community meet with Planning first to express concerns and find out City process. A follow-up working meeting with Planner and Developer with a small group of community stakeholders and the Flower Mart owner would be scheduled to discuss details.

Old Oakland Community Meeting

605 9th Street

6:00pm – 8:30pm

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Meeting Sept 20th 2016:

Resident Discussions/Concerns: (I am not duplicating concerns from previous meeting on Aug 8th).

There was an explanation of the Planning process by City Staff, which has already been sent to OON. They stated that they will accept emailed comments from now on. They clarified that they would re-post the public 17-day notice, once Developer was ready. *(This could happen this week)*

After they receive comments, they will make a decision and will notify the emails that they have from meetings and the enquiries submitted.

- Concern about residents parking on street, no guest parking...concern about car break-ins. some said that most apartments will have 2 cars. Different views on reduced car ownership going forward, and on appropriate parking ratios.
- Concern about where construction workers will park during construction. Asking for construction plans...This is premature as it will be done a part of engineering and will be addressed at building permit stage.
- Did this use to be a gas station and environmental concern. There has been a Phase 1 performed and there was no concern.
- Questions about where to view plans...Developer will send link to Planner with latest drawings.
Owner across the street
- 75 apartments, 73 parking spaces. A lot of residents don't have cars, commute to work. 25-35 age group, 65% commute to SF via bart.
- Concern there has not been enough outreach to see other residents in this area that are elderly who don't even know about this meeting or possibly don't speak English.
- Developer explained that the public meetings were voluntary, and they were not responsible to try

MEETING ATTENDANCE SIGN-IN SHEET

605 9th Street - Oakland, CA

TUES 09/21/16 - 6:30pm

NAME	ADDRESS	EMAIL ADDRESS	PHONE	BEST WAY TO COMMUNICATE WITH YOU? (EMAIL, PHONE, DROP-IN, ETC)
Consuelo Jones	626 8 th ST	Ricciavants@gmail.com	510-914-689	email
Devil Friedman	585 9th ST #526	d.friedman761@comcast.net	510-590-7804	email
Charlotte Landes	803 MILK	charlotte.landes@gmail.com	-	email
Eddie Phimal	585 9th ST	eddiepro2000@yahoo.com	510 410 1002	email
LISA GEE	585 9 th ST	lisa.gee88@yahoo	415-412-4590	email
Guy Sussman	585 9 th	skguy2009@gmail.com		email
Peter Milk	585 9th ST			
Laurel Hulley	585 9th St.	LHulley01@yahoo		email
Zak Ward	City Council			
GREG SPRAGUE	901 JEFFERSON ST OAKLAND	GREGORY.SPRAGUE@BERKSHIRECOMMUNITIES.COM	(925) 984-4054	EMAIL OR TEXT

MEETING ATTENDANCE SIGN-IN SHEET

605 9th Street - Oakland, CA

TUES 09/21/16 - 6:30pm

NAME	ADDRESS	EMAIL ADDRESS	PHONE	BEST WAY TO COMMUNICATE WITH YOU? (EMAIL, PHONE, DROP-IN, ETC)
Grace Harvey	803 MK	graceharvey@gmail.com		email
		LEECHIN P@ YAHOO.COM		