



Oakland City Planning Commission

AGENDA - Revision

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

December 18, 2019
Regular Meeting

MEAL GATHERING **5:00pm** **Building Bridges Conference Room, City Hall, 3rd Floor**

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.

Staff reports are also available online, generally by 5:00 p.m. the Friday before the meeting, at www.oaklandca.gov (under "Planning Commission.") You will need to ensure that your computer will accept pop-ups from the host site (oaklandca.gov) and

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 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。



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 Cheryl Dunaway at cdunaway@oaklandca.gov 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.

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 CONTIUNED TO JANUARY 15, 2020 AGENDA

1.	Location:	2308 Maritime Street/2008 Wake Avenue
	Assessor's Parcel Number(s):	18-508-7
	Proposal:	Construct a 171,000 sq.ft. 50-foot tall recycling facility on vacant parcel at the former Oakland Army Base. The building will serve as the new California Waste Solutions Recycling (CWS) facility.
	Applicant:	RPR Architects
	Contact Person/ Phone Number:	Kathleen Rousseau
	Owner:	City of Oakland
	Case File Number:	PLN 19-158
	Planning Permits Required:	Conditional Use Permit
	General Plan:	Business Mix
	Zoning:	D-GI
	Environmental Determination:	A CEQA Analysis was prepared for this project which concluded that the proposed project satisfies the following CEQA Guideline provision: 15164-Addendum (to 2002 EIR to the Oakland Army Base Redevelopment and 2012 Addendum). The CEQA Analysis document may be reviewed at the Bureau of Planning offices at 250 Frank Ogawa Plaza, 2 nd Floor.
	Historic Status:	NA
	Action to be Taken	Consider approval of Conditional Use Permit based on attached findings
	City Council District:	District 3 — Lynette Gibson McElhaney
	Finality of Decision:	Appealable to the City Council
	For Further Information:	Contact Case Planner Corey Alvin at 510-238-6316 or by email at calvin@oaklandca.gov

2.	Location:	Brooklyn Basin (formerly known as "Oak to 9th Avenue"); specifically, Parcel J
	Assessor's Parcel Number(s):	APN 018 046501800,
	Proposal:	Final Development Permit (FDP) and One Minor Variances for Parcel J, with 378 residential units, 329 residential parking spaces, and approximately 2,700 square feet of retail/ amenity space.
	Applicant:	Oakland Waterfront Parcel J, LLC
	Contact Person/ Phone Number:	Anh Le, 310-566-8700
	Owner:	Zarison-OHP J, LLC
	Case File Number:	PUD06010-PUDF011
	Planning Permits Required:	FDP, compliance with CEQA, variance request for parking reduction
	General Plan and Estuary Plan:	Planned Waterfront Development-1
	Zoning:	Planned Waterfront Zoning District (PWD-4)/D-OTN-4
	Environmental Determination:	Final EIR certified on January 20, 2009
	Historic Status:	Non-Historic Property
	Service Delivery District:	3
	City Council District:	2 – Nikki Fortunato Bas
	Action to be Taken:	Consider approval of FDP and Minor Variance, based on attached findings
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Dara O'Byrne at 510-238-6983 or by e-mail at dobyrne@oaklandca.gov



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.

3.	Location:	Suprema Meats, Inc. 955 57th Street
	Assessor's Parcel Number:	(015 1298-009-00)
	Proposal:	Two Appeals of the Zoning Manager's partial Approval and partial Denial of an application to legalize an unpermitted canopy, loading dock, entry sliding fence/gate on 57th Street, and other unpermitted alterations; and to construct a loading dock with opening gates on Lowell Street, including making exterior building alterations to the existing transport and warehouse facility. <i>Specifically, the Zoning Manager approved the Minor Conditional Use Permit for an open non-residential facility (the canopy and area under the canopy) and Regular Design Review for the unpermitted canopy, loading dock, entry sliding gate/fence and other exterior alterations and denied the Minor Variance to reduce the side yard setback for the canopy.</i>
	Applicant:	Craig Miers and George Scott Architects LLP / Craig Miers (916) 780-0100
	Owner:	955 57 th Street, LLC
	Appellant:	Appellant 1) Steven J. Hassing on behalf of Suprema Meats, Inc. Appellant 2) Kim Lucas and Angela Gennino on behalf of the Golden Gate Community Association
	Case File Number:	PLN14303-A01; PLN14303-A02
	Original Case File Number:	PLN14303
	Planning Permits Required:	Minor Conditional Use permit for an open non-residential facility (the canopy and area under the canopy); Minor Variance to reduce side yard setback where 5 feet is required and 0 feet is proposed; and Regular Design Review for the unpermitted canopy, loading dock, entry sliding gate/fence. Regular Design Review is also required for the new loading dock and exterior alterations to building.
	General Plan:	Housing and Business Mix
	Zoning:	Housing and Business Mix 1 (HBX-1) Zone
	Environmental Determination:	Exempt pursuant to the following sections of the State CEQA Guidelines: Section 15301, Existing Facilities; Section 15303, New Construction or Conversion of Small Structures; Section 15183, Projects Consistent with a Community Plan or Zoning; and Section 15332 In-Fill Development Projects
	Historic Status:	OCHS Rating: Dc3
	City Council District:	1



Status:	The Zoning Decision Letter was mailed on February 8, 2017; Project was appealed on February 20, 2018 by two Appellants.
Staff Recommendation:	Deny the Appeals and uphold the Zoning Manager's Decision.
Finality of Decision:	The decision of the Planning Commission is final immediately pursuant to Planning Code Sections 17.134.060, 17.136.080, and 17.148.060. Notwithstanding the above, Appellant 2's challenge to the City's California Environmental Quality Act determination <u>only</u> may be appealed to City Council by Appellant 2 pursuant to California Public Resource Code Section 21151(c).
For Further Information:	Contact case Planner Heather Klein at (510) 238-3659 or hklein@oaklandca.gov

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

NEXT REGULAR MEETING: January 15, 2020