



# Oakland City Planning Commission

## AGENDA Revision 2

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

**March 4, 2020**  
**Regular Meeting**

**MEAL GATHERING**      5:00pm      Building Bridges Conference Room, City Hall, 3<sup>rd</sup> 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.**

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*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。



Staff reports are also available online, generally by 5:00 p.m. the Friday before the meeting, at [www.oaklandca.gov](http://www.oaklandca.gov) (under "Planning Commission.") You will need to ensure that your computer will accept pop-ups from the host site ([oaklandca.gov](http://oaklandca.gov)) 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. 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 16<sup>th</sup> 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 Desmona Armstrong at [drarmstrong@oaklandca.gov](mailto:drarmstrong@oaklandca.gov) or 510-238-6343 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

1. Census 2020 Presentation - This presentation is being provided in support of Census 2020 in Oakland. It is important for the City of Oakland to have as complete a count as possible to move forward in the coming decade with appropriate political representation and funding.
2. Update on Community Cabins and Safe RV Sites by Joe DeVries



**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 #5 CONTUNUED FROM 2/19/20 DUE TO HEARING CANCELLATION

5.	<b>Location:</b>	8291, 8300, and 8304 Baldwin Street (APN#'s 042-4318-044-00, 043-00, and 042-00) & 685 85 <sup>th</sup> Avenue (APN: 042-4318-008-00)
	<b>Proposal:</b>	Appeal of a determination letter that states the rock and concrete crushing activity at the site is: 1) classified as Heavy/High Impact Manufacturing Industrial Activities in the Planning Code, and 2) not a legal nonconforming activity. (Continuation from the 9/18/19 planning Commission Meeting)
	<b>Appellant:</b>	William Crotinger and Sean R. Marciniak, for Silverado Contractor
	<b>Contact Person/Phone Number:</b>	Sean Marciniak (925)935-9400
	<b>Owner:</b>	Kenneth Morris W TR
	<b>Case File Number:</b>	DET180082-A01
	<b>General Plan:</b>	Commercial Industrial Mix and General Industrial
	<b>Zoning:</b>	CIX-2, Commercial Industrial Mix Zone-2 & IG General Industrial Zone
	<b>Environmental Determination:</b>	The determination is not considered a project as defined by 15378 of the State CEQA Guidelines and, therefore, does not require CEQA review.
	<b>Historic Status:</b>	None
	<b>City Council District:</b>	7
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision of Application by Planning Commission
	<b>Finality of Decision:</b>	<i>Not Appealable to City Council</i>
	<b>For Further Information:</b>	Contact case planner Moe Hackett at (510) 238-39730 or by email: <a href="mailto:mhackett@oaklandnet.com">mhackett@oaklandnet.com</a>

ITEM #1 CONTUNUED FROM 2/19/20 DUE TO HEARING CANCELLATION

1.	<b>Location:</b>	Citywide
	<b>Proposal:</b>	Proposed changes to the Planning Code that relate to the following: 1) where to file and who schedules appeals; 2) accessory auto repair in the D-BV-4 Zone; 3) expiration of a Variance; 4) home occupation regulations; 5) Group Assembly Commercial Activities in the D-BV Zone; 6) appeal of determinations regarding General Plan consistency; 7) front setbacks on small lots in the RM Zones; 8) location of commercial facilities above residential facilities; 9) consideration of Design Review and Conditional Use Permit applications with subdivisions; 10) sidewalk width required for sidewalk cafes; 11) use of barbed and razor wire at construction sites; 12) height and distance of walls from open space zones and the right of way; 13) permit requirements for a change in alcohol licenses; 14) carshare requirements in the Downtown zones; 15) timeframe required to approve a Final Planned Unit Development Permit; 16) defining Small Project Design Review as a discretionary project under the California Environmental Quality Act; and 18) reducing parking requirements for fitness centers and other group assembly activities.
	<b>Applicant:</b>	Planning Commission
	<b>Case Number:</b>	ZA190007
	<b>Planning Permits Required:</b>	Planning Code Amendment
	<b>General Plan:</b>	Citywide
	<b>Zoning:</b>	Citywide
	<b>Environmental Determination:</b>	The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the



	Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, 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).
<b>City Council District:</b>	Each District
<b>Status:</b>	Pending
<b>Action to be Taken:</b>	Recommendation to City Council
<b>Staff Recommendation:</b>	Recommend Code Amendments to City Council
<b>Finality of Decision:</b>	Recommendation to City Council
<b>For Further Information:</b>	Contact case planner Neil Gray at (510)238-3878 or ngray@oaklandca.gov.

ITEM #2 CONTUNUED FROM 2/19/20 DUE TO HEARING CANCELLATION

<b>2.</b>	<b>Location:</b>	401 27 <sup>th</sup> Street
	<b>Assessors Parcel Number:</b>	009-0684-004-008
	<b>Proposal:</b>	Legalize an existing auto repair and service facility and make interior and façade improvements.
	<b>Owner:</b>	Ishi Real Estate Partnership
	<b>Applicant:</b>	Adam Carr of RRR Architects (510)272-0654
	<b>Case Number:</b>	PLN19-029
	<b>Planning Permits Required:</b>	Minor Conditional Use Permit for an Auto Repair and Cleaning Commercial Activity in the D-BV-4 Zone and Regular Design Review for exterior changes to the building.
	<b>General Plan:</b>	Community Commercial
	<b>Zoning:</b>	D-BV-4
	<b>Environmental Determination:</b>	Exempt 15332; State CEQA Guidelines, Infill development; Exempt 15301; State CEQA Guidelines, Existing Facilities; and Section 15183 of the CEQA Guidelines (projects consistent with a community plan, general plan, or zoning).
	<b>Historic Status:</b>	Not a Potential Designated Historic Property (PDHP)
	<b>City Council District:</b>	3
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Recommendation to City Council. Approval only permitted after adoption of proposed code amendments by the City Council.
	<b>Staff Recommendation:</b>	Approval subject to conditions
	<b>Finality of Decision:</b>	Recommendation is not appealable
	<b>For Further Information:</b>	Contact case planner Neil Gray at (510)238-3878 or ngray@oaklandca.gov.



ITEM #3 CONTUNUED FROM 2/19/20 DUE TO HEARING CANCELLATION

<b>3.</b>	<b>Location:</b>	<b>460 24<sup>th</sup> St-465 25<sup>th</sup> St. and 2354 Valley St.</b>
	<b>Assessor's Parcel Number(s):</b>	<b>008-0674-033-1, 008-0674-006,008-0674-007, 008-0739-008</b>
	<b>Proposal:</b>	Scoping session for environmental review of an office and retail proposal on two sites. Site 1: Developing a 99,788 square foot mixed-use office and retail building on a site partially in the 25 <sup>th</sup> Street District API. The project would provide an interior midblock retail paseo connecting 24 <sup>th</sup> and 25 <sup>th</sup> Streets. Site 2: Developing a 640 square foot portion of the lot at 2354 Valley St. with artist and craft stalls.
	<b>Applicant:</b>	Signature Development Group
	<b>Contact Person/Phone Number:</b>	Elisse Douglass 510-251-9269
	<b>Case File Number:</b>	PLN19096, PLN19096-ER01
	<b>General Plan:</b>	Community Commercial
	<b>Zoning:</b>	Site 1:CC-3. Site 2: D-BV-4
	<b>Environmental Determination:</b>	Staff has determined that an Environmental Impact Report (EIR) will be prepared for this project. A NOP to prepare the EIR was published on January 17, 2020. The comment period for the NOP ends on February 20, 2020.
	<b>Historic Status:</b>	Site 1: Garage District API, PDHP OCHS rating Cb1+, C1+ Site 2: 2356-98 Valley St. ASI PDHP OCHS rating D2+
	<b>City Council District:</b>	3
	<b>Action to be Taken:</b>	Receive public and Planning Commission comments about what information and analysis should be included in the EIR.
	<b>For Further Information:</b>	Contact Case Planner <b>Rebecca Lind</b> at <b>(510) 238-3472</b> or by email at <b><a href="mailto:rlind@oaklandca.gov">rlind@oaklandca.gov</a></b> .

ITEM #4 CONTUNUED FROM 2/19/20 DUE TO HEARING CANCELLATION

<b>4.</b>	<b>Location:</b>	<b>5650 Balmoral Drive</b>
	<b>Assessor's Parcel Number:</b>	<b>085-0102-014-00</b>
	<b>Proposal:</b>	The project involves installation of a 75' tall Monopole Telecommunication Facility (monopole) located on an EBMUD Reservoir property adjacent to the existing water tank. The proposal will also include nine (9) antennas panels measuring 96 x 11.9 x 7.1 inches; six (6) Remote Radio Units (RRU) measuring 15 x 13.2 x 11.1 inches and Surge Suppression units mounted to the monopole; four (4) associated equipment cabinets and a backup generator / battery to be ground mounted on a new screened cement pad located next to the monopole.
	<b>Applicants/ Phone Number:</b>	David Haddock for Verizon Wireless by Ridge Communications.(916) 420-5802
	<b>Owners:</b>	East Bay Municipal Utility District (EBMUD).
	<b>Planning Permits Required:</b>	Major Conditional Use Permit and Design Review to install a new Monopole Telecommunication Facility within a residential zone.
	<b>General Plan:</b>	Institutional
	<b>Zoning:</b>	RH-1 Hillside Residential – 1 Zone
	<b>Environmental Determination:</b>	Exempt, Section 15303 of the State CEQA Guidelines; installation a new telecommunication monopole and Section 15183; projects consistent with a community plan, General Plan or Zoning.



<b>Historic Status:</b>	Not a Potential Designated Historic Property; Survey Rating: N/A
<b>City Council District:</b>	6
<b>Date Filed:</b>	September 26, 2019
<b>Staff Recommendation:</b>	To approve the application with Conditions
<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>
<b>For Further Information:</b>	Contact case planner Jason Madani, at (510) 238-4790 or jmadani@oaklandca.gov

ITEM #6 REMOVED FROM MARCH 4, 2020 TO APRIL 1, 2020 AGENDA

6.	<b>Location:</b>	2619 Magnolia Street. APN: (005-0445-006-01).
	<b>Proposal:</b>	The proposal is to convert an existing 105,000 square-foot warehouse facility into 12 work/live units for total of 30,248 sf and maintain 40,539 square feet of industrial spaces for industrial use. The project will provide 29 parking spaces on-site; and retention of 739 sf. café located on a 97,139 square-foot parcel.
	<b>Applicant:</b>	Thomas Dolan Architecture
	<b>Contact Person/Phone Number:</b>	(510) 435-4366
	<b>Owner:</b>	Libitzky Holdings, LP; Eric Schmier 2010 Living Trust; Kenneth J. Schmier 2010 Separate Property Trust; Michael Schmier; Aaron Aftergood; Hannah Reinstein.
	<b>Case File Number:</b>	PLN19-153
	<b>Planning Permits Required:</b>	Major Conditional Use Permit and Design Review to convert an existing industrial building into work & live spaces located on 97,139 square-foot parcel.
	<b>General Plan:</b>	Business Mix
	<b>Zoning:</b>	CIX-1A West Oakland Plan Area Commercial Industrial Mix-1A Industrial Zone. S-19 Health and Safety Protection Combining Zone.
	<b>Environmental Determination:</b>	Exempt, Section 15301 and 15303 of the State CEQA Guidelines; addition and alterations to an existing warehouse facilities; Section 15183 of the State CEQA Guidelines; projects consistent with a Community Plan, General Plan or Zoning.
	<b>Historic Status:</b>	Potential Designated Historic Property; Survey Rating: C3
	<b>City Council District:</b>	3
	<b>Status:</b>	Pending
	<b>Date Filed:</b>	June 25, 2019
	<b>Finality of Decision:</b>	<i>Appealable to City Council within 10 days</i>
	<b>For Further Information:</b>	Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@oaklandca.gov

7.	<b>Location:</b>	Brooklyn Basin (formerly known as "Oak to 9th Avenue"); specifically, Parcel H
	<b>Assessor's Parcel Number(s):</b>	APN 018 046501700
	<b>Proposal:</b>	Final Development Permit (FDP) for Parcel H, including 380 residential units, approximately 16,598 sf ground-floor commercial space, and 307 parking spaces in an 8 story building. Includes design for Harbor Lane East, a private street.



<b>Applicant:</b>	Zarsion-OHP I, LLC
<b>Contact Person/ Phone Number:</b>	Patrick Van Ness, (510) 251-9272
<b>Owner:</b>	Zarsion-OHP I, LLC
<b>Case File Number:</b>	PUD06010-PUDF010
<b>Planning Permits Required:</b>	FDP, compliance with CEQA, variance request for reduction of parking and variance request for reduction of residential open space
<b>General Plan and Estuary Plan:</b>	Planned Waterfront Development-1
<b>Zoning:</b>	Planned Waterfront Zoning District (PWD-4)/D-OTN-4
<b>Environmental Determination:</b>	Final EIR certified on January 20, 2009
<b>Historic Status:</b>	Non-Historic Property
<b>Service Delivery District:</b>	3
<b>City Council District:</b>	2 – Nikki Fortunato Bas
<b>Action to be Taken:</b>	Consider approval of FDP and Two Minor Variances, based on attached findings
<b>Finality of Decision:</b>	Appealable to City Council
<b>For Further Information:</b>	Contact case planner Dara O’Byrne at 510-238-6983 or by e-mail at <a href="mailto:do Byrne@oaklandca.gov">do Byrne@oaklandca.gov</a>

**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 #8 CONTINUED TO A DATE UNCERTAIN**

<b>8. Location:</b>	801-805 Washington
<b>Assessor’s Parcel Number(s):</b>	001-020302700
<b>Proposal:</b>	Appeal of Zoning Manager’s Determination filed under DET190030
<b>Case File Numbers:</b>	APL19023 (Appeal of DET190030)
<b>Appellants:</b>	Kai Eng and Pamela Eng
<b>Owner:</b>	Kai Eng and Pamela Eng
<b>Planning Permits Required:</b>	No permit required, item is regarding a Residential Hotel Status Determination.
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	CBD-P/S-7
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15306: Information Collection
<b>Historic Status:</b>	Local Register, API: Old Oakland, OCHS Rating: B*1+, Local Landmark (Gooch (A.J.) Block Winsor House)





<b>City Council District:</b>	3
<b>Staff Recommendation</b>	Deny the Appeal and uphold the Zoning Manager's Determination.
<b>Finality of Decision:</b>	Final Decision, Not Administratively Appealable per OMC 17.132.030
<b>For Further Information:</b>	Contact Case Planner <b>Brittany Lenoir</b> at (510) 238-4977 or <a href="mailto:blenoir@oaklandca.gov">blenoir@oaklandca.gov</a>

**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:** March 18, 2020