



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

March 4, 2020
Regular Meeting

ROLL CALL

Present: Monchamp, Limon, Fearn, Hegde, Manus, Myres, Shirazi

Excused: None

Staff: Robert Merkamp, Ed Manassee, Brian Mulry, Desmna Armstrong

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

- Director's Report #1 has been cancelled.
- Agenda items are out of order and will be called in the sequence of 5, 1, 2, 3, 4 & 7
- Item 6 is moved to April 1, 2020 PC Agenda
- Item 8 is continued to a date uncertain

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~~

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。



~~the coming decade with appropriate political representation and funding.~~

- 2. Update on Community Cabins and Safe RV Sites by Joe DeVries
-Item Report with no discussion

Committee Reports

Commissioner Manus reported out on DRC meeting on March 4, 2020
Item 1- CWS will move to Planning Commission
Item 2-2715 Adeline St; Project will return to DRC after commission
Actions are completed.

Commission Matters

None

City Attorney’s Report

None

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. Alexis Schroder
- 2. Linda Pinwell

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.	Location:	8291, 8300, and 8304 Baldwin Street (APN#'s 042-4318-044-00, 043-00, and 042-00) & 685 85th Avenue (APN: 042-4318-008-00)
	Proposal:	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)
Appellant:		William Crotinger and Sean R. Marciniak, for Silverado Contractor
Contact Person/Phone Number:		Sean Marciniak (925)935-9400
Owner:		Kenneth Morris W TR
Case File Number:		DET180082-A01
General Plan:		Commercial Industrial Mix and General Industrial
Zoning:		CIX-2, Commercial Industrial Mix Zone-2 & IG General Industrial Zone
Environmental Determination:		The determination is not considered a project as defined by 15378 of the State CEQA Guidelines and, therefore, does not require CEQA review.
Historic Status:		None
City Council District:		7
Status:		Pending
Action to be Taken:		Decision of Application by Planning Commission
Finality of Decision:		<i>Not Appealable to City Council</i>
For Further Information:		Contact case planner Moe Hackett at (510) 238-39730 or by email: mhackett@oaklandnet.com

Staff Member: Neil Gray and Moe Hackett gave project description

Applicants: Sean Marciniak with Silverado Contracors and Argent Materials gave a Power Point with Noise impact report

Land owner: Perry Godessbald gave a presentation with Health Pollution and Air Impact report

Public Speakers:

1. Shanna Lazeral
2. Margie Lewis
3. Esther Goldsby
4. Catherine Key
5. Ameer Gazemi
6. Bishop Bob Jackson
7. DeAnte Taylor
8. Lulliana Tihea
9. Tina Berak
10. Donald Whiteside
11. Rosemary Sims
12. Antonique Williams
13. Kim Carter
14. Lodi Whiteside
15. Christina Sandoval



- 16. Dwane Jones 17. Angela Scott 18. Isacc Cost Reed 19. Clarence Block 20. Ona Lamply
- 21. Eric Shanks 22. Audree V. Jones Taylor 23. Susan Potts 24. Michael Jones 25. Bill Croger
- 26. Pricilia Wong 27. Jewel Hagolloyd 28. Eric Shanks 29. Jim Moore 30. Mike Hester
- 31. Alison Linquest 32. Moran Rotbaum 33. John Butler 34. Diedra Smith 35. Leah Duncan
- 36. Daryll Taylor 37. Gabriel Lucci 38. Joe Caperola 39. Barbara Leslie

Motion made by Commissioner Shirazi to: Uphold appeal and re-classify the rock crushing operation as a General Manufacturing Industrial Activity as recommended by staff

Seconded by: Commissioner Fearn

Action: 5 ayes, 2, noes

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

1.	Location:	Citywide
	Proposal:	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.
	Applicant:	Planning Commission
	Case Number:	ZA190007
	Planning Permits Required:	Planning Code Amendment
	General Plan:	Citywide
	Zoning:	Citywide
	Environmental Determination:	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).
	City Council District:	Each District
	Status:	Pending



Action to be Taken:	Recommendation to City Council
Staff Recommendation:	Recommend Code Amendments to City Council
Finality of Decision:	Recommendation to City Council
For Further Information:	Contact case planner Neil Gray at (510)238-3878 or ngray@oaklandca.gov.

Staff Member: Neil Gray gave project description

Public Speakers: None

Motion to Approve made by: Commissioner Manus to affirm staff’s approval of the environmental determination to City Council and recommendations to the CUP based on all findings and subject to the conditions of approval.

Seconded by: Vice-Chair Limon

Actions: 6 ayes, 1 no

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

2.	Location:	401 27th Street
	Assessors Parcel Number:	009-0684-004-008
	Proposal:	Legalize an existing auto repair and service facility and make interior and façade improvements.
	Owner:	Ishi Real Estate Partnership
	Applicant:	Adam Carr of RRR Architects (510)272-0654
	Case Number:	PLN19-029
	Planning Permits Required:	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.
	General Plan:	Community Commercial
	Zoning:	D-BV-4
	Environmental Determination:	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).
	Historic Status:	Not a Potential Designated Historic Property (PDHP)
	City Council District:	3
	Status:	Pending
	Action to be Taken:	Recommendation to City Council. Approval only permitted after adoption of proposed code amendments by the City Council.
	Staff Recommendation:	Approval subject to conditions
	Finality of Decision:	Recommendation is not appealable
	For Further Information:	Contact case planner Neil Gray at (510)238-3878 or ngray@oaklandca.gov.



Staff Member: Neil Gray gave project description

Public Speakers:

- 1. David Tapacio 2. Janice Johnson 3. Dan Varvauch

Commissioner Manus recommends to adopt the staff recommendation of the determination to City Council and to approve the recommendation of the CUP following necessary code Amendments based on the attached findings and subject to the attached conditions of approval.

Seconded by: Commissioner Hegde

Action: 7 ayes, 0 noes

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

3.	Location:	460 24th St-465 25th St. and 2354 Valley St.
	Assessor's Parcel Number(s):	008-0674-033-1, 008-0674-006,008-0674-007, 008-0739-008
	Proposal:	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 th Street District API. The project would provide an interior midblock retail paseo connecting 24 th and 25 th Streets. Site 2: Developing a 640 square foot portion of the lot at 2354 Valley St. with artist and craft stalls.
	Applicant:	Signature Development Group
	Contact Person/Phone Number:	Elisse Douglass 510-251-9269
	Case File Number:	PLN19096, PLN19096-ER01
	General Plan:	Community Commercial
	Zoning:	Site 1:CC-3. Site 2: D-BV-4
	Environmental Determination:	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.
	Historic Status:	Site 1: Garage District API, PDHP OCHS rating Cb1+, C1+ Site 2: 2356-98 Valley St. ASI PDHP OCHS rating D2+
	City Council District:	3
	Action to be Taken:	Receive public and Planning Commission comments about what information and analysis should be included in the EIR.
	For Further Information:	Contact Case Planner Rebecca Lind at (510) 238-3472 or by email at rlind@oaklandca.gov .

Staff Member: Rebecca Lind gave a presentation

Applicant: Elyse Douglas from Signature Development Group gave a Power Point presentation

Public Speakers: 1. Naomi Shift 2. Hiyyoko Kurihara 3. Monica Rescala 4. Daniel Levi



- 5. Tom Debly
- 6. Mary Harper
- 7. Peter Berkhalt
- 8. Amelia Marshall

Staff requests the public and the Planning Commission to provide comments on what types of information and analysis, including alternatives, should be considered in the EIR.

Motion: None

Action: No decision requested during scoping session

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

4.	Location:	5650 Balmoral Drive
	Assessor’s Parcel Number:	085-0102-014-00
	Proposal:	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.
	Applicants/ Phone Number:	David Haddock for Verizon Wireless by Ridge Communications.(916) 420-5802
	Owners:	East Bay Municipal Utility District (EBMUD).
	Planning Permits Required:	Major Conditional Use Permit and Design Review to install a new Monopole Telecommunication Facility within a residential zone.
	General Plan:	Institutional
	Zoning:	RH-1 Hillside Residential – 1 Zone
	Environmental Determination:	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.
	Historic Status:	Not a Potential Designated Historic Property; Survey Rating: N/A
	City Council District:	6
	Date Filed:	September 26, 2019
	Staff Recommendation:	To approve the application with Conditions
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Jason Madani, at (510) 238-4790 or jmadani@oaklandca.gov

Staff Member: Jason Mandani gave a project description

Applicant: David Haddock of Verizon Wireless gave a presentation

Consultant: Raj Matzr of Hammott and Eddison, Engineering Consultant gave a presentation

Public Speakers: 1. Alexis Schroder



Motion to approve made by: Vice-Chair Limon to affirm staff’s environmental determination and Approve the Major Conditonal Use Permit and Design Review application subject to the attached findings and Conditions of approval.

Seconded by: Commissioner Manus

Actions: 5 ayes, 0 noes, 1 abstain, 1 absence

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

6.	Location:	2619 Magnolia Street. APN: (005-0445-006-01).
	Proposal:	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.
	Applicant:	Thomas Dolan Architecture
	Contact Person/Phone Number:	(510) 435-4366
	Owner:	Libitzky Holdings, LP; Eric Schmier 2010 Living Trust; Kenneth J. Schmier 2010 Separate Property Trust; Michael Schmier; Aaron Aftergood; Hannah Reinstein.
	Case File Number:	PLN19-153
	Planning Permits Required:	Major Conditional Use Permit and Design Review to convert an existing industrial building into work & live spaces located on 97,139 square-foot parcel.
	General Plan:	Business Mix
	Zoning:	CIX-1A West Oakland Plan Area Commercial Industrial Mix-1A Industrial Zone. S-19 Health and Safety Protection Combining Zone.
	Environmental Determination:	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.
	Historic Status:	Potential Designated Historic Property; Survey Rating: C3
	City Council District:	3
	Status:	Pending
	Date Filed:	June 25, 2019
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@oaklandca.gov

7.	Location:	Brooklyn Basin (formerly known as “Oak to 9th Avenue”); specifically, Parcel H
	Assessor’s Parcel Number(s):	APN 018 046501700



Proposal:	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.
Applicant:	Zarsion-OHP I, LLC
Contact Person/ Phone Number:	Patrick Van Ness, (510) 251-9272
Owner:	Zarsion-OHP I, LLC
Case File Number:	PUD06010-PUDF010
Planning Permits Required:	FDP, compliance with CEQA, variance request for reduction of parking and variance request for reduction of residential open space
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 Two Minor Variances, 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

Staff Member: Dara O’Byrne gave a presentation

Applicant: Patrick VanNess of ZUHP gave a Power Point Presentation

Public Speakers:

Motion to approve made by: Commissioner Fearn pursuant to CEQA Guidelines Section 15162, and based on the attached findings (and incorporated herein by reference), rely on the Oak to Ninth Avenue Project EIR as adequate under CEQA for analysis of the Brooklyn Basin Parcel H Final Development Permit; Approve the Brooklyn Basin Parcel H Final Development Permit, subject to the attached findings; Approve a Minor Variance for residential off-street parking requirements, subject to the attached findings; and Approve a Minor Variance for residential open space requirements, subject to the attached findings.

Action: 6 ayes, 0 noes, 1 absence

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

8. Location:	801-805 Washington
Assessor's Parcel Number(s):	001-020302700
Proposal:	Appeal of Zoning Manager's Determination filed under DET190030
Case File Numbers:	APL19023 (Appeal of DET190030)
Appellants:	Kai Eng and Pamela Eng
Owner:	Kai Eng and Pamela Eng
Planning Permits Required:	No permit required, item is regarding a Residential Hotel Status Determination.
General Plan:	Central Business District
Zoning:	CBD P/S-7
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15306: Information Collection
Historic Status:	Local Register, API: Old Oakland, OCHS Rating: B*1+, Local Landmark (Gooch (A.J.) Block Winsor House)
City Council District:	3
Staff Recommendation	Deny the Appeal and uphold the Zoning Manager's Determination.
Finality of Decision:	Final Decision, Not Administratively Appealable per OMC 17.132.030
For Further Information:	Contact Case Planner Brittany Lenoir at (510) 238-4977 or blenoir@oaklandca.gov

COMMISSION BUSINESS

Approval of Minutes: None

Correspondence: Note from Secretary Merkamp 700 filing due in April

City Council Actions:

1. Project: Mandela Hotel Appeal was heard by City Council and effectively denying the project based on CUP specific to hotels were not satisfied.
2. Project: 1750 Broadway two appeals were heard together and both denied upholding the approval of 1750 Broadway.

ADJOURNMENT At 10:53 P.M.



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

NEXT REGULAR MEETING: March 18, 2020