



*Jim Moore, Chair
Adhi Nagraj, Vice Chair
Clark Manus
Amanda Monchamp
Jahmese Myres
Chris Pattillo
Emily Weinstein*

**July 20, 2016
Regular Meeting**

ROLL CALL

Present: Moore, Nagraj, Manus, Monchamp, Myres, Pattillo, Weinstein
Staff: Robert Merkamp, Jose Herrera-Preza, Betty Marvin, Catherine Payne, Michael Bradley, Celena Chen, Cheryl Dunaway, Jonathan Arnold

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Secretary Merkamp: Speaker card and request for modification to a condition on Item #1, recommend pulling item and hearing as Public Hearing item #1.

Director's Report

None.

Committee Reports

None.

Commission Matters

Chair Moore announced that this was his last meeting on the Planning Commission and that a vote for the new Chair and Vice-Chair will take place at the next meeting on August 3, 2016. He also announced changes to the members of the Design Review Committee. Vice-Chair Nagraj will now be committee chair, Commissioner Manus will join the committee, and Commissioner Pattillo will remain. Vice-Chair Nagraj, Commissioners Pattillo, Myres, Weinstein, 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 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。



Monchamp, and Secretary Merkamp spoke in turn to thank Chair Moore for his service.

City Attorney's Report None.

Commissioner Myres asked to speak. She welcomed students from the Children's Hospital Master Plan Construction Pre-Apprenticeship Internship Program, a collaboration between the Oakland Unified School District & UCSF Benioff.

OPEN FORUM None.

CONSENT CALENDAR

Item #1 Moved to Public Hearing

1.	Location:	1991 Mountain Blvd. –Rite Aid Pharmacy- (See map on reverse)
	Assessor's Parcel Numbers:	(048F-7359-011-02)
	Proposal:	"Rite Aid Pharmacy" requests a Type 21 Alcohol Beverage Sales License for the addition of off-sale Alcohol Beverage Sales.
	Applicant:	Thrifty Payless Inc. DBA Rite Aid #5952
	Contact Person/Phone number:	Jason Overman (510) 735-8193
	Owner:	G.A. Sturtevant No.1 Inc.
	Case File Number:	PLN16125
	Planning Permits Required:	Major Conditional Use Permit to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity (Sec. 17.103.030 (B) (2) & (3); Additional Conditional Use Permit Findings for Activities in CN zones (Sec. 17.33.01(L4) & 17.33.030).
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-1 Neighborhood Center Mixed Use 1 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Not A Potentially Designated Historic Property (DHP); Survey rating:
	Service Delivery District:	2
	City Council District:	4
	Date Filed:	04/29/16
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

Staff Member: Jose Herrera-Preza gave a presentation.

Applicant: Michelle Lawrence, Rite Aid District Manager; Christina Barkley, General Manager of Rite Aid; Victor Ramirez, Asset Protection District Manager; Jason Overman

Speakers: None.

Action on the matter: Motion by Commissioner Pattillo to affirm staff's environmental determination and approve Major CUP for PLN16125 subject to attached findings and conditions, seconded by Vice-Chair Nagraj.



Chair Moore proposed a friendly amendment to add staff's language to the proposed change of conditions; the amendment was accepted.

Ayes: Weinstein, Manus, Myres, Pattillo, Monchamp, Nagraj, Moore
Noes:

Approved with 7 ayes, 0 noes.

2.	Location: 1544 Broadway (APN: 008-0622-007-00)
	Proposal: To establish an Alcoholic Beverage Sales Activity within an existing group assembly event space.
	Applicant: Amato Architecture for San Francisco Planning and Urban Research Association ("SPUR").
Contact Person/Phone Number:	Rebecca Amato (510) 420-0210x101
	Owner: 1542 LLC, Ben Weinstein
	Case File Number: PLN16084
Planning Permits Required:	Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity in the CBD-P Central Business District Pedestrian Retail Commercial Zone.
	General Plan: Central Business District
	Zoning: CBD-P Central Business District Pedestrian Retail Commercial Zone.
Environmental Determination:	15301 of the State CEQA Guidelines; minor alterations to an existing facility. 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: Ec3
Service Delivery District:	Metro
City Council District:	3
	Status: Pending
Action to be Taken:	Decision of Application
Finality of Decision:	<i>Appealable to City Council within 10 days</i>
For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com



3.	Project Name:	8th Street Housing
	Location:	1502 8th Street (APN 004-0093-010-00)
	Proposal:	Allow construction of three dwellings adjacent to existing duplex and division of site into two parcels, "Minor Variance, to reduce 5 foot side yards.
	Contact Person/Phone Number:	Chris Porto (925) 209-4030
	Owner:	Bright Homes LLC
	Case File Number:	PLN16-114
	Planning Permits Required:	Major Conditional Use Permit for three or more residences in the RM-2 Zone; Minor CUP for 5 bedrooms each in two dwellings; Regular Design Review to construct 3 residential structures; Tentative Parcel Map No. 104652 to Create 2 Residential parcels and create 3 condominium ownerships in new buildings on one of the parcels; on 11,874 square feet of land in West Oakland.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-2 Mixed Housing Type Residential Zoning District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303, new small structures, 15183 projects consistent with adopted plans
	Historic Status:	Potential Designated Historic Property
	Service Delivery District:	SDS-1
	City Council District:	1
	Commission Action to Be Taken:	Approve Staff Recommendation
	Appeal:	To City Council
	For Further Information:	David Valeska at (510) 238-2075, dvalueska@oaklandnet.com

Vice-Chair Nagraj and Commissioner Pattillo recused themselves from Items #2 and #3.

Action on the matter: Motion by Commissioner Weinstein to approve Consent Items #2 and #3, seconded by Commissioner Myres.

Ayes: Weinstein, Manus, Myres, Monchamp, Moore

Noes:

Approved with 5 ayes, 0 noes.



PUBLIC HEARINGS

4.	<p>Proposal: Mills Act Contract Application Selection: Recommendations for 2016 Mills Act Program Contracts</p> <ol style="list-style-type: none"> 1) MA16-001: 523 41st Street (APN 012-1012-055-00); City Council District 1 - Kalb 2) MA16-002: 1824 Myrtle Street (APN 005-0410-020-00) City Council District 3 – Gibson McElhaney 3) MA16-003: 369 MacArthur Blvd. (APN 001-0785-021-02); City Council District 3 – Gibson McElhaney 4) MA16-004: 1733 10th Street (APN 006-0023-006-00); City Council District 3 – Gibson McElhaney 5) MA16-005: 1506 Linden Street (APN 005-0381-024-00); City Council District 3 – Gibson McElhaney <p>Environmental Determination: Exempt, Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Section 15183 Projects consistent with the General Plan or Zoning</p> <p>Service Delivery District: Citywide program; applications from 1, 3, & Metro this year</p> <p>City Council District: Citywide program; applications from Districts 1 and 3 this year</p> <p>Action to be taken: Forward to Planning Commission as Informational Item. Forward recommendation to City Council.</p> <p>For Further Information: Contact Betty Marvin (510) 238-6879, bmarvin@oaklandnet.com</p>
-----------	---

Staff Member: Betty Marvin gave a Power Point presentation. Property #3 (MA16-003) withdrew their application.

Applicant: None spoke.

Speakers: None.

Action on the matter: Motion by Commissioner Myres to forward recommendation to City Council, seconded by Vice-Chair Nagraj.

Ayes: Weinstein, Manus, Myres, Patillo, Monchamp, Nagraj, Moore
Noes:

Approved with 7 ayes, 0 noes.



5. **Location:** Mountain View Cemetery (Piedmont Avenue, near Pleasant Valley); 5000 Piedmont Avenue; APN: 048A700200302
- Proposal:** Expand cemetery development in currently undeveloped portions of existing cemetery to accommodate future additional burial sites.
- Applicant:** Mountain View Cemetery Association, Jeff Lindeman, (510) 658-2588.
- Case File Number:** ER15001
- Owner:** Mountain View Cemetery Association
- Planning Permits Required:** Major Conditional Use Permit, Design Review, Tree Removal Permit, Creek Permit, compliance with CEQA.
- General Plan:** Urban Park and Open Space
- Zoning:** RD-1: Residential Low Density
- Environmental Determination:** An Environmental Impact Report is being prepared for the proposed Mountain View Cemetery Project. The DEIR was released on June 15, 2016, and the 45-day public review period ends on August 1, 2016.
- Historic Status:** "A1+" rating and API, OCHS
- Service Delivery District:** 2
- City Council District:** 1 -- Kalb
- Action to be Taken:** Receive public and LPAB comments on the DEIR and related documents prepared to analyze the proposed project in compliance with CEQA. No decisions will be made at this hearing.
- Finality of Decision:** NA
- For further information:** Contact case planner Catherine Payne at 510-238-6168 or by e-mail at cpayne@oaklandnet.com

Commissioner Weinstein recused herself from this item.

Staff Member: Catherine Payne gave a presentation. CEQA consultant Scott Gregory. Landscape Architect Joe Runco.

Applicant: None spoke.

Speakers: Karen Whitestone, Judy Schwartz, Jean Robertson (with one cede from Rod Miller).



APPEALS

6.	Location:	500 Hegenberger Road (8400 Edes Ave.); (APN: 042-4323-007-05)
	Proposal:	Appeal of the Zoning issuance of a Zoning Clearance Permit for new ownership of an existing Hotel (Transient Habitation) which was approved under Major Conditional Use Permit CM09-221
	Original Applicant / Contact:	Oakland Hotels, LLC – Nupen Patel / (510) 212-2714
	Appellant / Contact:	UNITE HERE Local 2850 – Ty Hudson / (213) 509-9114
	Property Owner:	Oakland Alameda Hotels LLC
	Case File Number:	ZC152397-A01
	Original Case File Number:	ZC152397
	Planning Permits Required:	Zoning Clearance permit for change of ownership of an existing hotel
	General Plan:	Regional Commercial
	Zoning:	CR-1 Regional Commercial Zone
	Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines; projects which are disapproved. Exempt, Section 15268 of the State CEQA Guidelines; ministerial projects.
	Historic Status:	Not a Potential Designated Historic Property; Survey rating: F3
	Service Delivery District:	4
	City Council District:	7
	Status:	Application approved by Zoning on October 29, 2015; Appealed November 9, 2015.
	Action to be Taken:	Public Hearing
	Staff Recommendation:	Deny the appeal and uphold the Zoning Administrator’s approval
	Finality of Decision:	Final (Not Appealable Pursuant to OMC Sec. 17.132.030)
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com

Staff Member: Michael Bradley gave a presentation.

Appellant: Kristin Martin of Davis, Cowell, & Bowe on behalf of the Appellant.

Applicant: Nupen Patel and Les Hausrath (Attorney for Applicant).

Speakers: Randall Whitney, Yolanda Carmona, Ty Hudson (Appellant).

Action on the matter: Motion by Commissioner Pattillo to deny appeal and uphold the Zoning Commissioner’s approval, seconded by Vice-Chair Nagraj.

Ayes: Manus, Pattillo, Monchamp, Nagraj, Moore

Noes: Weinstein, Myres

Approved with 5 ayes, 2 noes.



COMMISSION BUSINESS

Approval of Minutes

June 15, 2016: Motion by Commissioner Myres to approve minutes, seconded by Commissioner Manus.

Ayes: Weinstein, Manus, Myres, Monchamp, Moore

Noes:

Abstentions: Pattillo, Nagraj

Approved with 5 ayes, 0 noes, and 2 abstentions.

June 22, 2016: Motion by Vice-Chair Nagraj to approve minutes, seconded by Commissioner Monchamp.

Ayes: Manus, Pattillo, Monchamp, Nagraj, Moore

Noes:

Abstentions: Weinstein, Myres

Approved with 5 ayes, 0 noes, and 2 abstentions.

July 6, 2016: Motion by Commissioner Pattillo to approve minutes, seconded by Commissioner Monchamp.

Ayes: Weinstein, Manus, Myres, Pattillo, Monchamp, Moore

Noes:

Abstentions: Nagraj

Approved with 6 ayes, 0 noes, and 1 abstention.

Correspondence

None.

City Council Actions

None.

ADJOURNMENT

Meeting adjourned at approximately 9:15pm.

ROBERT MERKAMP

Development Planning Manager

Secretary to the Planning Commission

Planning and Building Department

NEXT REGULAR MEETING: August 3, 2016