



*Tom Limon, Chair  
Clark Manus, Vice-Chair  
Amanda Monchamp  
Jonathan Fearn  
Nischit Hegde  
Leopold Ray-Lynch  
Sahar Shirazi*

**November 4, 2020**  
SPECIAL Meeting

**BUSINESS MEETING**

**3:00 PM**

**Via: Tele-Conference**

**MEETING CALL TO ORDER**

**By** Chair Limon

**WELCOME BY THE CHAIR**

Chair Limon

**ROLL CALL**

**Present:** Amanda Monchamp, Jonathan Fearn, Clark Manus  
Tom Limon

**Excused:** Nischit Hegde, Sahar Shirazi, Leopold Ray-Lynch

**Staff:** Catherine Payne, Desmona Armstrong, Brian Mulry  
Neil Gray, Dara O’Byrne, Greg Qwan, Jason Madani,

**SECRETARY RULES OF CONDUCT**

**By** Catherine Payne, Secretary

**COMMISSION BUSINESS**

- Agenda Discussion                      Catherine Payne addressed the Commission with a request from the Applicant to continue item #3 to a date uncertain. Applicant, Dwane Kennedy, made a formal request for continuance.
- Director’s Report                         None
- Informational Reports                    None
- Committee Reports                        Commissioner Manus gave a DRC report of October 28, 2020:  
Item #1- 2359 Harrison St – Project will go forward  
Item #2- 1396 5<sup>th</sup> St – Item will move forward to the Planning Commission with recommended modifications
- Commission Matters                      Catherine Secretary confirmed no DRC meeting November 18, 2020



- 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 (6) or less speakers on an item, and one minute or less if there are more than six (6) speakers.

**Public Speakers:** None

**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.

<b>1.</b>	<b>Location:</b>	<b>2500-2520 E. 12<sup>th</sup> Street; APN 025 070701204</b>
	<b>Proposal:</b>	To remodel the interior and exterior of an existing McDonald's Restaurant and expand the Drive-Through.
	<b>Applicant:</b>	Drew Sanchez
	<b>Phone Number:</b>	(650) 350-9471
	<b>Owner:</b>	McDonald’s Corporation
	<b>Case File Number:</b>	PLN20086
	<b>Planning Permits Required:</b>	Major Conditional Use Permit for a Drive-Through Non-residential Facility
	<b>General Plan:</b>	Business Mix
	<b>Zoning:</b>	Commercial Industrial Mix - 2 Industrial (CIX-2) Zone
	<b>Environmental Determination:</b>	Exempt per CEQA Sections 15301: Existing Facilities, Section 15302: Replacement or Reconstruction, Section 15303: New Construction or Conversion of Small Structures, and Section 15183.3: Projects consistent with Community Plan, General Plan or Zoning
	<b>Historic Status:</b>	Not a Potentially Designated Historic Property or Local Register Property; Oakland Cultural Heritage Survey Rating: F3
	<b>City Council district</b>	5
	<b>Status:</b>	Pending
	<b>Staff Recommendation</b>	Approval subject to the attached Conditions
	<b>Finality of Decision:</b>	Appealable to the City Council within 10 days.
	<b>For further information:</b>	Contact project planner <b>Gregory Qwan</b> at (510) 238-2958 or <a href="mailto:gqwan@oaklandca.gov">gqwan@oaklandca.gov</a>

**Staff Member:** Gregory Qwan, clarified noise ordinance question for Commissioner Manus



<b>2.</b>	<b>Location:</b>	<b>6224 -6320 International Blvd.; APN 038-3222-008-02 &amp; 010-01 &amp;012-01</b>
	<b>Proposal:</b>	To remodel the interior and exterior of an existing McDonald's Restaurant and expand the Drive-Through.
	<b>Applicant:</b>	Drew Sanchez
	<b>Phone Number:</b>	(650) 350-9471
	<b>Owner:</b>	McDonald's Corporation
	<b>Case File Number:</b>	PLN20087
	<b>Planning Permits Required:</b>	Major Conditional Use Permit for a Drive-Through Non-residential Facility and Design Review for exterior modification.
	<b>General Plan:</b>	Urban Residential
	<b>Zoning:</b>	RU-5 Urban Residential Zone
	<b>Environmental Determination:</b>	Exempt per CEQA Sections 15301: Existing Facilities, Section 15302: Replacement or Reconstruction, Section 15303: New Construction or Conversion of Small Structures, and Section 15183.3: Projects consistent with Community Plan, General Plan or Zoning
	<b>Historic Status:</b>	Not a Potentially Designated Historic Property or Local Register Property; Oakland Cultural Heritage Survey Rating: F3
	<b>City Council district</b>	5
	<b>Status:</b>	Pending
	<b>Staff Recommendation</b>	Approval subject to attached conditions
	<b>Finality of Decision:</b>	Appealable to City Council within ten (10) days
	<b>For further information:</b>	Project Planner Jason Madani: Phone: (510) 238-4790; Email: jmadani@oaklandca.gov.

**Staff Member:** Heather Klein represented for Jason Madani

**Public Speakers:** None due to Items 1 and 2 are on the Consent calendar

**Motion to approve made by** Commissioner Fearn to approve Items 1 and 2

**Seconded by:** Commissioner Monchamp

**Action:** 4 Ayes, 0 Noes

**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 contact the case planner directly.

<b>3.</b>	<b>Location:</b>	5110 Telegraph Avenue (bounded by 51 <sup>st</sup> St to the south, Clarke St to the east and Claremont Ave to the north).
	<b>Assessor's Parcel Number:</b>	014 122601500
	<b>Proposal:</b>	To establish an alcohol sales activity (Type 21 for off-site consumption) within the approved Whole Foods Market located in Retail #4.
	<b>Applicant:</b>	City Shapers Inc, Dwane Kennedy
	<b>Phone Number:</b>	(415) 401-9300
	<b>Owner:</b>	Telegraph 2 NEUN
	<b>Case File Number:</b>	PLN18531
	<b>Planning Permits Required:</b>	Major Conditional Use Permit for an Alcohol Beverage Sales Commercial Activity in the CN-2 Zone.
	<b>General Plan:</b>	Neighborhood Center
	<b>Zoning:</b>	CN-2 Zone
	<b>Environmental Determination:</b>	In 2016, a detailed CEQA (California Environmental Quality Act) Analysis was prepared for a mixed-use residential and commercial development, and concluded that the development satisfied each of the following CEQA Guidelines: Sections 15332-Class 32, 15300.2-Infill Projects, 15183-3-Streamlining for Infill Projects and 15183-Projects Consistent with a Community Plan, General Plan or Zoning. <a href="http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak058467.pdf">http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak058467.pdf</a>
	<b>Historic Status:</b>	Non-Historic Property
	<b>City Council district</b>	1
	<b>Status:</b>	Pending
	<b>Staff Recommendation</b>	Decision based on staff report
	<b>Finality of Decision:</b>	Appealable to the City Council within 10 days
	<b>For further information:</b>	Contact Case Planner, Mike Rivera at (510) 238-6417, or by email at <a href="mailto:mriviera@oaklandca.gov">mriviera@oaklandca.gov</a>

**Applicant:** Dwane Kennedy made a formal request for continuance to a date uncertain.

**Motion made by:** Commissioner Manus to continue Item #3 to a date uncertain

**Seconded by:** Commissioner Fearn

**Action:** 4 Ayes, 0 Noes



<b>4.</b>	<b>Location:</b>	<b>West Oakland BART 1451 7<sup>th</sup> St., APN 004 007700300, 004 007100300</b>
	<b>Proposal:</b>	Revision to Preliminary Development Plan (PDP), including changes to residential unit allocation, reduction in office, retail, parking, residential open space, and removal of under-track retail. Updated State Density Bonus request with additional waivers. Variance request for off-street commercial loading. Vesting Tentative Parcel Map with 3 parcels and a designated remainder. Final Development Plan for Horizontal Improvements, including final design for sidewalks, bike lanes, and plazas. Final Development Plan for development of area T1, a market-rate 320 ft tall residential tower with 522 residential units, 14,350 sf of retail, and 125 parking spaces. Final Development Plan for development of area T3, an affordable housing project with 240 affordable residential units, 15,944 sf of retail, and 50 parking spaces.
	<b>Applicant:</b>	China Harbour Engineering (CHEC),
	<b>Phone Number:</b>	Ronnie Turner (510) 395-2766
	<b>Owner:</b>	San Francisco Bay Area Rapid Transit District (BART)
	<b>Case File Number:</b>	PLN18490-REV02, PLN18521-R01, PLN18490-REV01-PUDF01, PLN18490-REV01-PUDF02, PLN18490-REV01-PUDF03
	<b>Planning Permits Required:</b>	PDP Revision, Variance for commercial loading, Three FDPs, Design Review, Vesting Tentative Parcel Map, compliance with CEQA
	<b>General Plan:</b>	Community Commercial
	<b>Zoning:</b>	Transit-Oriented Development Commercial Zone (S-15W)
	<b>Environmental Determination:</b>	A CEQA Analysis was prepared in February 2019 for this project which concluded that the proposed project satisfies CEQA Guidelines Section 15164 – Addendum (to West Oakland Specific Plan EIR).
	<b>Historic Status:</b>	Non-Historic Property
	<b>City Council district</b>	CCD1
	<b>Status:</b>	Pending
	<b>Staff Recommendation</b>	Staff recommends approval of: <ul style="list-style-type: none"> <li>• Revision to PDP, with Minor Variance, and revision to Vesting TPM 10940</li> <li>• FDP for Horizontal Improvements</li> <li>• FDP for T1 market-rate residential tower</li> <li>• FDP for T3 affordable housing</li> </ul> Based on attached findings and conditions of approval
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For further information:</b>	Contact case planner <b>Dara O’Byrne</b> at <b>510-238-6983</b> or by e-mail at <a href="mailto:dobyrne@oaklandca.gov">dobyrne@oaklandca.gov</a>

Catherine Payne, PC Secretary, advised the Commission that the applicant has provided additional information to be included in the staff report. Action was made to confirm receipt of the new information.

**Motion made by:** Commissioner Monchamp to confirm additional information presented by applicant.

**Seconded by:** Commissioner Fearn

Action: 4 Ayes, 0 Noes



**Staff Member:** Dara O’Byrne gave a project description

**Applicant:** Alan Dones and Edward McFarlan gave a PowerPoint Presentation

**Public Speakers:** 1. Richard Wright 2. Bruce Beasley 3. Cherene Sandidge

**Motion made by Commissioner Fearn to:**

1. Rely on the West Oakland Specific Plan (WOSP) EIR as adequate under CEQA for analysis of the West Oakland BART TOD and adopt CEQA finding that no further environmental review is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162;
2. Approve the revision to the Preliminary Development Plan subject to the attached findings and revised conditions.
3. Approve a Minor Variance for reduction of off-street commercial loading, based on the attached findings.
4. Approve the Final Development Plan for T1, subject to the attached findings.
5. Approve the Final Development Plan for Horizontal Improvements, subject to the attached findings.
6. Approve the Final Development Plan for T3, subject to the attached findings.
7. Approve the revision to the Vesting Tentative Parcel Map 10940
8. Friendly Amendment to have the FDP come to DRC for the Art Wall. Art will be reviewed by DRC to confirm details only from an architectural design perspective.

**Seconded By:** Commssioner Manus

**Action:** 4 Ayes, 0 Noes

**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 the 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.



**COMMISSION BUSINESS**

- Approval of Minutes      **March 4, 2020**  
Motion to approve by Commissioner Manus  
Seconded by Commissioner Monchamp  
4 Ayes, 0 Noes  
  
**June 3, 2020**  
Motion to approve by Commissioner Manus  
Seconded by Commissioner Monchamp  
4 Ayes, 0 Noes  
  
**July 1, 2020**  
Motion to approve by Commissioner Manus  
Seconded by Commissioner Monchamp  
4 Ayes, 0 Noes
- Correspondence      None
- City Council Actions      Mills Act Class of 2020 was approved by City Council

**ADJOURNMENT** at 4:47 P.M.

**CATHERINE PAYNE**  
Acting Development Planning Manager  
Planning and Building Department