



Oakland City Planning Commission

DRAFT
MINUTES

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

September 18, 2019
Regular Meeting

ROLL CALL

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

Staff: Robert Merkamp, Ed Manasse, Neil Gray, Eva Wu, Heather Klein, Pete Vollmann, Moe Hackett, Brian Mulry, Cheryl Dunaway.

WELCOME BY THE CHAIR

COMMISSION BUSINESS

None

Agenda Discussion

There is one speaker for Item #2, which has been removed from the Consent Calendar.

Chair Monchamp asked Mr. Merkamp to please provide an explanation on the noticing process for this item. Mr. Merkamp explained the legal obligations for noticing were met in a timely manner. The appellant may refute discrepancies in the staff report itself up to and including the start of this Planning Commission meeting.

Staff Member: Heather Klein explained her objection to

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。



the Appellant’s request to continue item #4. She stated there were no errors in the staff report, which is only 9 pages. What’s being appealed is the determination of the 2017-2018 school year with no determinations made for any future school years, pending the outcome of the decision rendered on the appeal at tonight’s meeting. The Appellant reviewed the attachments prior to this meeting as part of a public records request.

Appellant: Sue Piper requested a 6 weeks continuance of Item #5 due to she received the Staff Report information on a Saturday and the public comment period ended on the upcoming Monday. She stated she didn’t have enough time to review the new information submitted to the Planning Commission at tonight’s meeting which she believes to be a new list of school employees.

Applicant: Annie Mudge explained the that the new information she submitted at tonight’s meeting is a 3 page letter refuting this appeal, not a new list of school employees for the year 2017-2018. The letter was also included in the Staff Report packets received by the Planning Commissioners. The applicants are ready to move forward with this appeal hearing.

Motion to deny the Request for a Continuance made by: Commissioner Manus

Seconded by: Commissioner Shirazi

Action: Denied, 6 ayes, 1 no (Hegde).

Commission Matters

Chair Monchamp announced the new Committee Assignments for the following: Design Review Committee, Zoning Update Committee, Residential Appeals Committee, Policies and Procedures Committee and Special Projects, Committee.

City Attorney’s Report

None

OPEN FORUM

- Public Speakers:** 1. Nick Vigilante
2. Mike Hutchinson
3. Alexis Schroeder
4. Nino Parker



CONSENT CALENDAR

1.	Location:	2650 Broadway
	Assessor's Parcel Number(s):	009-0685-018-06
	Proposal:	Alcoholic beverage sales for off-site consumption at a Target retail store with hours of operation of 7am-12am.
	Applicant:	Beth Aboulafia (on behalf of Target Corporation) (415) 362-1215
	Owner:	CRP/THC Oakland Broadway Upton Ventures LLC
	Case File Number:	PLN19185
	Planning Permits Required:	Major Conditional Use Permit to allow Alcoholic Beverage Sales Commercial Activities with Findings for Public Convenience or Necessity (Sec. 17.03.030 (B) (2) & (3))
	General Plan:	Central Business District
	Zoning:	D-BV-1
	Environmental Determination:	<i>Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Exempt, Section 15183: projects consistent with a community plan, general plan, or zoning.</i>
	Historic Status:	Non-Historic Property
	City Council District:	3
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact Case Planner Eva Wu at (510) 238-3785 or by email at ewu@oaklandca.gov .

Mr. Merkamp asked that the Planning Commission vote to include a revision of Condition #10 with modifications to 10C and 10E.

Motion to approve to accept the amendments to Condition 10 made by: Commissioner Fearn

Seconded by: Commission Manus

Action: Approved, 7 ayes, 0 noes

ITEM# 2 WAS REMOVED FROM THE CONSENT CALENDAR

2.	Location:	300 Lakeside Dr – Kaiser Center
	Assessor's Parcel Number(s):	008-0652-001-05
	Proposal:	Extension of entitlements for the Planned Unit Development (PUD) to construct approximately 1,500,000 square feet of new office development in two towers on the western side of the Kaiser Center.
	Applicant:	Tomás Schoenberg (415) 291-1104
	Owner:	SIC-Lakeside Drive, LLC
	Case File Number:	PUD08103 & TPM9848
	Planning Permits Required:	Extension of the Planned Unit Development and Tentative Parcel Map.
	General Plan:	Central Business District
	Zoning:	Current Zoning: CBD-C, Central Business District Commercial. Prior Zoning from when application was deemed complete: C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17, Downtown Residential Open Space
	Environmental Determination:	An EIR was Certified for the Project on May 4, 2011.
	Historic Status:	Kaiser Center Building & Roof Garden are CEQA Historic Resources (Oakland Cultural Heritage Survey Rating A1+; listed on the Local Register of Historical Resources; appears eligible for the National Register individually and as part of the Lake Merritt District (code 3B))
	City Council District:	3
	Finality of Decision:	Appealable to City Council

For Further Information:	Contact Case Planner Pete Vollmann at (510) 238-6167 or by email at pvollmann@oaklandca.gov .
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Staff Member: Pete Vollmann gave a presentation.

Applicant: Conner Kidd gave a presentation.

Public Speaker: Sophia Johnson.

CLOSED PUBLIC COMMENT SESSION

Motion to Approve made by: Vice Chair Limon, to approve the extension of the project approvals until December 31, 2020, subject to the approved findings and conditions of approval.

Seconded: Commissioner Manus

Action: Approved, 7 ayes, 0 noes

3.	Location:	1415 Harrison Street
	Assessor's Parcel Number(s):	008-0625-045-00
	Proposal:	To have a Supportive Housing Residential Activity located within thirty (30) feet of the front lot line on the ground floor of an existing principal building fronting a Commercial Corridor. <i>At the Appeal hearing before the Planning Commission on May 15, 2019, the Commission directed the Applicant/Appellant and staff to work together to develop a design that would include a sizeable retail space along 14th Street in order to make the Minor Variance Findings. The motion was to return to the Planning Commission with the proposed plan at a date uncertain. The Applicant/Appellant has modified the ground floor, and staff supports the modified proposal and has made the required Findings.</i>
	Applicant/Contact Number:	Resources for Community Development / Jessica Sheldon (510) 841-4410
	Appellant/Owner:	Resources for Community Development – Jessica Sheldon
	Case File Number	APL19008 (Appeal of PLN18502)
	Planning Permits Required:	Minor Variance for a Supportive Housing Residential Activity located within thirty (30) feet of the front lot line on the ground floor of an existing principal building fronting a Commercial Corridor.
	General Plan:	Central Business District
	Zoning:	D-LM-2 Lake Merritt Station Area District Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities
	Historic Status:	OCHS Rating B+1+, Local Register Property
	City Council District:	3
	Date Appeal Filed:	2/15/19
	Staff Recommendation:	Uphold the Appeal and deny the Zoning Manager's decision based on the modified project plans submitted on August 29, 2019, and the new Minor Variance Findings.
	Finality of Decision:	Decision of the Planning Commission shall be final immediately pursuant to Planning Code Sec. 17.148.060.)
	For Further Information:	Contact case planner Heather Klein, Planner IV at (510) 238-3659 or HKlein@oaklandca.gov .

Motion to approve made by: Commissioner Limon

Seconded by: Commissioner Hegde

Action: Approved, 7 ayes, 0 noes.

PUBLIC HEARINGS

4.	Location:	101 E. 12th Street
	Assessor's Parcel Number(s):	019-0027-014-00
	Proposal:	Construction of two buildings. The northern building is a 26-story residential tower that contains 252 market rate units and 18 "work force" units. The southern building is six stories and contains 90 affordable housing units. The project also includes 327 square feet of commercial space, a cultural space, and 221 parking spaces. Off-site improvements are also proposed to the existing stormwater treatment basin/park located adjacent to the site. **Note: This project was approved by the Planning Commission on 6/15/16. It is returning to the Planning Commission because the prior approval lapsed on 6/22/19.
	Applicant:	Michael Johnson
	Contact Phone Number:	(415) 748-2300
	Owner:	City of Oakland; contact is Hui Chang Li (510)238-6239
	Case File Number:	PLN19215
	Planning Permits Required:	Design Review for new construction; Conditional Use Permits to be subject to the requirements of Height Area LM-275 instead of Height Area LM-85; for increased building base height; for reduced loading birth dimensions; for construction over 100,000 square feet, and for improvements to a stormwater treatment facility. Variance for a storefront depth of 28 feet instead of the required 50 feet; All permits are Major because the proposed construction is greater than 100,000 square feet in a D-LM zone.
	General Plan:	Urban Residential
	Zoning:	D-LM-1 Lake Merritt Station Area District Mixed Residential Zone – 1
	Environmental Determination:	The anticipated environmental effects of the project have been evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014). The project is also Categorical Exempt under Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning; and 15183.3 (Streamlining for Infill Projects). These analyses and exemptions satisfy CEQA requirements on a separate and independent basis.
	Historic Status:	Empty lot; no historic properties.
	City Council District:	2
	Finality of Decision:	Appealable to the City Council within ten days.
	For Further Information:	Contact Case Planner Neil Gray at (510) 238-3878 or by email at ngray@oaklandca.gov .

Staff Member: Neil Gray gave a presentation.

Applicant: Michael Johnson and Ener Chiu gave a presentation.

Public Speakers:

1. Dunya Alwa	4. Kiantu White
2. Nino Parker	5. Mike Hutchinson
3. Emily Wheeler	6. Merlin Edwards

CLOSED PUBLIC COMMENT SESSION

Motion to approve made by: Commissioner Shirazi: To accept staff's environmental determination and findings that anticipated environmental affects of the project have been evaluated by the Lake Merritt

Station Area Plan Final Environmental Impact Report (EIR) certified in November 2014. For the reasons discussed in the June 16, 2016 report in attachment C, no further final Environmental review is required and the project is exempt from CEQA and further CEQA review as discussed in the June 16, 2016 Staff Report to the Planning Commission and to approve the project based upon the findings subject to the attached Conditions of Approval.

To include Commissioner Myres' amendment to delete bullet #3 of Finding 17.148.050A, add Condition #51 that the project should include clear and visible signage posted in the lobby of both buildings indicating shared amenities for all residents.

To include Vice Chair Limon's amendment, to include a Directory in the common area of each lobby on each floor and posted in the elevators in the affordable housing tower indicating the location of the shared amenities.

Seconded by: Commissioner Monchamp

Action: Approved 7 ayes, 0 noes,

APPEALS

5.	Location:	1 Hiller Drive – Bentley School
	Assessor's Parcel Number:	048H-7576-001-04
	Proposal:	Appeal of the Zoning Manager's Determination regarding the School's compliance with their Conditions of Approval related to the maximum number of faculty and staff.
	Applicant:	Bentley School (510) 843-2512
	Owner:	Bentley School
	Appellant:	Gordon and Susan Piper on behalf of the Neighbors for Safety in Hiller Highlands
	Case File Number:	APL19002
	Original Case File Number:	CM04411, REV100003, ER07006
	Planning Permits Required:	N/A
	General Plan:	Hillside Residential
	Zoning:	Hillside Residential -3 (RH-3) Zone
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301: Existing Facility and Section 15306, Information collection. An Environmental Impact Report was prepared for the project (ER07006) and certified by the Planning Commission on October 21, 2009.
	Historic Status:	OCHS Rating: C3
	City Council District:	1
	Status:	The Zoning Decision Letter was mailed on January 18, 2019; Project appealed on January 28, 2019.
	Staff Recommendation:	Deny the Appeal and uphold the Zoning Manager's Decision.
	Finality of Decision:	Final (not administratively Appealable pursuant to OMC Sec. 17.132.030)
	For Further Information:	Contact Case Planner Heather Klein at (510) 238-3659 or by email at hklein@oaklandca.gov .

Staff Member: Heather Klein gave a presentation.

Appellant: Sue Piper gave an argument on reasons why she objects to this project being approved.

Commented [DC1]: I remember this one. It was brought to the PC at the 11/20/19 meeting. I reviewed the video link to that meeting. Commissioner Limon changed his motion to read as the highlighted area states. I only changed "each elevator" to "the elevators" to capture his exact words in the motion. CD



Applicants: Annie Mudge and Arlene Hogan gave a PowerPoint presentation on reasons why the appeal should be denied and uphold the Zoning Manager’s decision.

Public Speakers: 1. Barry Ghanbari 4. Joanna Lennon
2. Donna Karch 5. Kristen Smith
3. Howard Matis

CLOSED PUBLIC COMMENT SESSION

Motion to deny made by: Commissioner Manus, to affirm Staff’s Environmental Determination, to deny the appeal thereby, upholding the Zoning Manager’s decision.

Seconded by: Commissioner Shirazi

Action: Denied 6 ayes, 0 noes, 1 abstention (Limon)

6.	Location:	8291, 8300, & 8304 Baldwin Street and 685 85th Avenue
	Assessor’s Parcel Number(s):	042-4318-044-00, -043-00, -042-00 and 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.
	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
	Action to be Taken:	Decision of Appeal by Planning Commission
	Finality of Decision:	Final (not administratively Appealable pursuant to OMC Sec. 17.132.030)
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com

Staff Member: Moe Hackett gave a presentation.

Applicant: Isaac Kos-Reed, William Crotinger and Sean Marciniak gave a PowerPoint presentation.

Public Speakers: 1. Allison Lindquist, 8. Heather Ehmke
2. DeShawn Williams 9. Maria Ramirez
3. Rick Andrews 10. Tania Mitchell
4. Joe Capriola 11. Ken Houston
5. Sergio Romero 12. Marcelina Alcantara
6. Alfredo De Leon 13. Aly Bonde
7. Jim Troupe 14. Tyler Earl



CLOSED PUBLIC COMMENT SESSION

Motion to continue made by: Commissioner Myres, to continue this item to a date certain of, November 20, 2019.

Seconded by: Commissioner Manus

Action: Approved 7 ayes, 0 noes

COMMISSION BUSINESS None

Approval of Minutes None

Correspondence Mr. Merkamp announced the permanent appointment of Ed Manasse as Deputy Director of the Planning and Building Department in the Bureau of Planning.

City Council Actions None

ADJOURNMENT 10:55 P.M.

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

NEXT REGULAR MEETING: October 2, 2019