



Oakland City Planning Commission

AGENDA

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

May 15, 2019
Regular Meeting

Revised May 7, 2019 – See end of agenda

MEAL GATHERING

5:00pm Café 15, 597 – 15th St, Oakland (Corner of Jefferson & 15th St)

Open to the public. (Members of the public may purchase their own meals if desired. Consumption of food is not required to attend.)

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.

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。



New online staff report download instructions

Staff reports are also available online, generally by 5:00 p.m. the Friday before the meeting, at www.oaklandca.gov (under "Planning Commission.") You will need to ensure that your computer will accept pop-ups from the host site (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 16th 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 Jonathan Arnold at jarnold@oaklandca.gov or 510-238-6194 or Cheryl Dunaway at cdunaway@oaklandca.gov or 510-238-2912 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

Present an informational report to the Planning Commission describing the progress the City made in 2018 to implement policies adopted in the City's 2015-2023 Housing Element and on meeting the City's share of regional housing needs allocation.

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.

1.	Location:	610 Hegenberger Road
	Assessor’s Parcel Number(s):	042-4318-046-01
	Proposal:	To establish a 24-hour fitness club/gym (“Planet Fitness”) within an existing 72,000 square-foot commercial building. The structure is sited within in a 6.92-acre lot. The proposal includes building and parking lot improvements (windows, signage, landscaping, and illumination).
	Owner:	DODG Corporation / Michael Trang
	Applicant:	N Consulting Engineers / Andrew Davies (714)398-7150
	Case Number:	PLN19023
	Planning Permits Required:	Major Conditional Use Permit for a Group Assembly Commercial Activity in the CR Zone on a site exceeding one acre in area
	General Plan:	Regional Commercial
	Zoning:	CR-1 Regional Commercial 1 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines – Existing Facilities (Minor alterations and operation); Section 15183 – Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Not A Potentially Designated Historic Property: OCHS Rating: F3
	City Council District:	7
	Status:	Pending
	Finality of decision:	Appealable to City Council within 10 days
	Action to be Taken:	Decision based on staff report.
	For Further Information:	Contact Case Planner Jose M. Herrera-Preza at (510) 238-3808 or by email at jherrera@oaklandca.gov .



2.	Location:	The Public Right of Way adjacent to 66 Lake Merritt Boulevard
	Assessor's Parcel Number(s):	002-0091-001-00; The site is located northwest of the parcel at 66 Lake Merritt Blvd.
	Proposal:	Installation of a small cell wireless telecommunication facility on an existing 25' tall City Light Pole located in the public right-of-way. The project involves installation of one (1) antenna measuring 24.7" long and 10" in diameter within shroud at a height of 28'-6"; two (2) radio units (18" tall, 7.88" wide and 4.13" deep) and a meter box at a height of 10' and 11'-3" above ground.
	Applicant:	Vinculums Services for AT&T Wireless
	Contact Person/ Phone Number:	Justin Giarritta / (707) 225-2865
	Owner:	City of Oakland
	Case File Number:	PLN19065
	Planning Permits Required:	Major Conditional Use Permit and Major Design Review to install a Monopole Telecommunication Facility within 300 feet of a residential zone.
	General Plan:	Central Business District
	Zoning:	D-LM-4 Lake Merritt Station Area District Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to an PG&E utility pole; Section 15303: new construction or conversion of small structures; Section 15183: projects consistent with a community plan, general plan or zoning.
	Historic Status:	No Historic Record – Utility Pole
	City Council District:	2
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact Case Planner Heather Klein at (510) 238-3659 or by email at hklein@oaklandca.gov .

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.



This item has been continued to June 5, 2019.

3.	Location:	500 Kirkham St. & 1255 7th St. The site is bounded by Union, 5th and 7th Streets, and is located east from the West Oakland BART Station.
	Assessor's Parcel Number(s):	004-0049-008-00; -009-00; -010-00; and 004-0051-018-02
	Proposal:	To construct a total of 1,032 residential units (84 very low income affordable units included), approximately 35,000 square feet of retail & commercial flex space, 59 parking spaces. The project will be phased out as follows: Phase 1 includes all horizontal improvements; Phases 2 & 3 include construction of 84-foot high mid-rises & temporary surface parking lot; and Phase 4 includes construction of a 338-foot high rise & street level parking garage accessed from Union Street
	Applicant:	Panoramic Interests
	Contact Person/ Phone Number:	Zac Shore (415)701-7002
	Owner:	500 Kirkham, LLC
	Case File Number:	PLN17428/PUDF07
	Planning Permits Required:	Planned Unit Development/Conditional Use Permit; Regular Design Review; Vesting Tentative Parcel Map Subdivision
	General Plan/Specific Plan:	Community Commercial/West Oakland Specific Plan
	Zoning:	S-15W Transit Oriented Development Zone
	Environmental Determination:	A detailed CEQA (California Environmental Quality Act) Analysis was prepared for this project which concludes that the development proposal satisfies each of the following CEQA Guidelines: (A) 15164 Addendum to EIRs; (B) 15183 Projects Consistent with a Community Plan, General Plan, or Zoning; (C) 15168 Prior EIRs and Redevelopment Projects; and (D) 15183.3 Qualified Infill Projects. Each of the foregoing provides a separate and independent basis for CEQA compliance. The CEQA Analysis document may be reviewed at the Bureau of Planning offices, located at 250 Frank Ogawa Plaza, 2nd Floor or online as Item #85 at http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157 The LUTE (Land Use Transportation Element) can be viewed as Item #01 at http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158
	Historic Status:	Non-historic Property
	City Council District:	3
	Action to be Taken:	Decision based on staff report
	Staff Recommendation:	Approve project subject to the attached Conditions
	For Further Information:	Contact Case Planner Mike Rivera at (510) 238-6417 or by email at mrivera@oaklandca.gov .

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.



4.	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.
	Applicant:	Resources for Community Development – Jessica Sheldon
	Contact Person/ Phone Number:	Jessica Sheldon (510) 841-4410 x 335
	Owner:	Resources for Community Development
	Case File Number:	APL19008 (original case file PLN18502)
	Planning Permits Required:	Minor Variance for a Supportive Housing Residential Activity located within thirty (30) feet of the front lot line of 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 15270 of the State CEQA Guidelines: Projects which are disapproved.
	Historic Status:	OCHS Rating B+1+, Local Register Property
	City Council District:	3
	Date Appeal Filed:	2/15/19
	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 .

5.	Location:	7196 Saroni Drive
	Assessor's Parcel Number(s):	048E-7330-003-00
	Proposal:	Appeal of Zoning Manager's approval of a Creek Protection Permit to construct biotechnical bank stabilization, consisting of rock riprap, biodegradable erosion control blankets, and vegetative root wads, to stabilize incising banks of an existing stream tributary of Shepherd Creek; to construct retaining walls to stabilize local slide erosion below a residence; and to incorporate biotreatment, revegetation, and stormwater dissipation measures to reduce erosion, sedimentation, and protect the stream channel bank.
	Applicant:	Nicholas Vigilante (510) 339-6855
	Owner:	Jansen Lum
	Case File Number:	APL19004 (CPI8009)
	Planning Permits Required:	Category IV Creek Protection Permit, Section 13.16 of the City of Oakland Creek Protection Ordinance
	General Plan:	Hillside Residential
	Zoning:	RH-4/S-9
	Environmental Determination:	Section 15269(c) of the State CEQA Guidelines: Emergency Projects; Section 15301(d): Existing Facilities; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Not a historic property
	City Council District	4
	Finality of Decision:	Final (Not Appealable pursuant to Oakland Municipal Code Sec. 17.132.030)
	For Further Information:	Contact case planner Caesar Quitevis, Planner II at (510) 238-6343 or by email at cquitevis@oaklandca.gov .



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: June 5, 2019

Revised May 7, 2019, to reflect continuance of Item #03 to June 5, 2019.