



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

March 20, 2019
Regular Meeting

Revised March 15, 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.

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 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.

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

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.

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 was continued from the March 6, 2019 Planning Commission agenda.

1.	Location:	1750 Broadway
	Assessor's Parcel Number(s):	008-0623-013-00
	Proposal:	To construct a mixed-use high-rise development consisting of a 37-story, 307 residential units and approximately 5,000 square feet of commercial space including a five-level parking garage for 170 parking spaces to be accessed from 19th Street.
	Applicant:	Rubicon Point Partners
	Contact Person/ Phone Number:	Chris Relf (415) 500-6410
	Owner:	1750 Broadway LLC
	Case File Number:	PLN18369
	Planning Permits Required:	Major Conditional Use Permit for development over 200,000 square feet in floor area and Regular Design Review for new building construction.
	General Plan:	Central Business District
	Zoning:	CBD-P & CBD-C (Central Business District Pedestrian & Commercial)
	Environmental Determination:	A detailed CEQA (California Environmental Quality Act) Analysis was prepared for this project which concludes that the proposed development satisfies each of the following CEQA Guidelines: (A) 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning; (B) 15183.3 - Streamlining for Infill Projects; and (C) 15332 - Urban Infill Development. 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 at http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157 (1750 Broadway CEQA Analysis) The CEQA analysis relied upon in making the Environmental Determination and incorporated by reference within the CEQA Analysis document includes the LUTE (Land Use Transportation Element) EIR which can be viewed here: http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158 (LUTE / Item #1)
	Historic Status:	Non-Historic Property
	City Council District:	3
	Action to be Taken:	Decision based on staff report
	For Further Information:	Contact Case Planner Mike Rivera at (510) 238-6417 or by email at mrivera@oaklandca.gov .



Item #02 has been continued to April 3, 2019.

2.	Location:	10 10th Street (Oakland Civic Auditorium)
	Assessor's Parcel Number(s):	018-0450-005-00
	Proposal:	To rehabilitate the vacant Oakland Civic Auditorium that consists of interior and exterior building alterations, including site modifications to the walkways, landscaping, and parking lot to facilitate new commercial uses and improve the historic entertainment venues.
	Applicant:	Orton Development, Inc. (510) 428-0800
	Owner:	City of Oakland
	Case File Number:	PLN17101
	Planning Permits Required:	Major Conditional Use Permit for Extensive Civic Impact; and Regular Design Review for site and building alterations.
	General Plan:	Central Business District, Lake Merritt Station Area District
	Zoning:	D-LM-4 Lake Merritt Station Area District Mixed Commercial
	Environmental Determination:	A detailed CEQA Analysis was prepared for this project which concludes that the proposed development satisfies each of the following CEQA guidelines: (A) 15164 Addendum to EIR; (B) 15183 Project Consistent with a Community Plan, General Plan, or Zoning; and (C) 15168 Program EIRs and 15162 Subsequent EIRs. Each of the foregoing provides a separate and independent basis for CEQA compliance. The CEQA Analysis document may be reviews at the Bureau of Planning offices located at 250 Frank H Ogawa Plaza, 2 nd Floor, or online at http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009157 (Oakland Civic Auditorium CEQA Analysis, Item #83). The CEQA Analysis relied upon in making the Environmental Determination and incorporated by reference within the CEQA Analysis document includes the LUTE EIR, which can be viewed online at http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/DOWD009158 (LUTE, Item #1).
	Historic Status:	OCHS A1+, Designated Historic Property; API, Area of Primary Importance (Lake Merritt)
	City Council District:	3
	Date Filed:	April 14, 2017
	Action to be Taken:	Decision based on staff report
	For Further Information:	Contact Case Planner Mike Rivera at (510) 238-6417 or by email at mrivera@oaklandca.gov .



3.	Location:	Brooklyn Basin (formerly known as "Oak to 9th Avenue"); specifically, Parcel G
	Assessor's Parcel Number(s):	APN 018 046500204
	Proposal:	Final Development Permit (FDP) and Three Minor Variances for Parcel G, including 356 residential units and up to 45,957 sf ground-floor commercial space, and 480 parking spaces, in an 86-foot tall building.
	Applicant:	ZOHP 1, LLC, Patrick Vanness.
	Contact Person/ Phone Number:	Patrick Vanness, (510) 251-9272
	Owner:	ZOHP 1, LLC
	Case File Number:	PLN18325
	Planning Permits Required:	FDP, compliance with CEQA, variance for parking reduction, variance for driveway location, variance for sign type
	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 three 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

APPEALS

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: April 3, 2019