



Oakland City Planning Commission

MINUTES

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

February 5, 2020
Regular Meeting

ROLL CALL

Present: Hegde, Manus, Meyers, Fearn, Limon, Monchamp

WELCOME BY THE CHAIR

Excused: Shirazi

COMMISSION BUSINESS

Agenda Discussion

None

Director's Report

None

Committee Reports

DRC met to regarding Jack London Hotel. DRC recommended design modifications

Commission Matters

None

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

No Speakers

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。



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.

ITEM(S) MOVED FROM 1/15/20 PC AGENDA DUE TO MEETING CANCELLATION

Table with 2 columns: Field Name and Description. Fields include Location, Assessor's Parcel Number, Proposal, Owner, Applicant, Case File Number, Planning Permits Required, General Plan, Zoning, Environmental Determination, Historic Status, City Council District, Status, Action to be Taken, Staff Recommendation, Finality of Decision, and For Further Information.

Public Speakers: None

Motion to approve made by: Commissioner Manus

Seconded by: Commissioner Fearn

Action: 6 ayes, 0 noes



2.	Location:	Siena Hill (off of Keller Avenue, between Greenridge Drive and Rilea Way) (APN: 040A-3848-001-00 through 040A-3848-032-00)
	Proposal:	Extension of the planning entitlements to allow for the 32 attached, single-family dwellings on 32 lots, 103 off-street parking spaces, and a private road. Phase 1, which includes 10 of the 32 units, the associated parking spaces and the private road, has already been constructed.
	Applicant:	Keven Kwok
	Phone Number:	(510)258-8502
	Owner:	Oakland Siena, LLC
	Case File Number:	PUD02-217
	Planning Permits Required:	Extension of the Planned Unit Development Permit; Minor Variances for height and minimum separation of retaining walls, maximum percentage of front yard paving, and length of buildings alongside lot lines; and Design Review.
	General Plan:	Previously: Detached Unit Residential; Currently: Mixed Housing Type Residential
	Zoning:	Previously: R-50 Medium Density Residential Zone Currently: RM-3, Mixed Housing Type -3 Zone
	Environmental Determination:	A Final Environmental Impact Report was certified on March 2, 2005 (Case File ER02-0012).
	Historic Status:	N/A
	Service Delivery District:	4
	City Council district	6
	Status:	Planning Commission approval on March 2, 2005 (Case Files: PUD02-217; PUDF05-081; TTM7396). Construction of 10 units, associated parking and private road in 2009. Entitlements extended through December 31, 2019.
	Staff Recommendation	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.

Request from Commissioner Hegde to pull item #2 off consent and moved to Public Hearing

Staff Member: Heather Klein gave a presentation

Public Speakers: None

Motion to approve made by: Vice-Chair Limon, to approve the one-year extension of Project approvals until December 31, 2020, subject to the previously approved Findings and Conditions of Approval, including the additional Condition of Approval regarding the imposition of impact fees per the previous Planning Commission extension.

Seconded by: Commissioner Manus

Action: 6 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 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.

ITEM MOVED FROM 1/15/20 PC AGENDA DUE TO MEETING CANCELLATION



3.	Location:	<u>Fruitvale Transit Village (Phase 2)</u> 3611 E. 12 th St. Block bounded by 35 th and 37 th Avenues, East 12 th Street and BART tracks. APN 033-2177- 021-02
	Proposal:	Revision to PUD F01 Fruitvale Transit Village Phase IIA, a 94 unit Affordable Housing Project, to modify Standard Condition of Approval #60(b) pertaining to off-site railroad crossing improvements.
	Applicant:	East Bay Asian Local Development Corporation
	Phone Number:	510-287-5353
	Owner:	City of Oakland
	Case File Number:	REV190025
	Planning Permits Required:	Revision to an existing condition of approval
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	S-15 (Transit Oriented Development Zone)
	Environmental Determination:	A Final Environmental Impact Report (FEIR) has been prepared for this project and was published on April 28, 2010.
	Historic Status:	N/A
	Service Delivery District:	4
	City Council district	5
	Status:	Planning Commission approval on June 10, 2010 Case File No. PUDF01/ER08-0005 (Fruitvale Transit Village Phase IIA) The project is constructed and has a temporary occupancy permit.
	Staff Recommendation	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For further information:	Contact project planner Rebecca Lind at (510) 238-3472 or by email: rlind@oaklandca.gov .

Staff Member: Rebecca Lind gave presentation

Applicants: East Bay Asian Local Development Corporation; Assistant Project Manager, Marie gave a presentation.

Public Speakers: None

Motion to approve made by: Commissioner Fearn to 1. Affirm the determination that there is no additional findings required; 2. Approve REV190025 to revise the language for Condition #60.2 to allow payment of an in-lieu fee instead of implementation of the required hatch pavement markings at the Fruitvale Blvd and 37th Avenue railroad crossings.

Seconded by: Commissioner Hegde

Action: 6 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 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** **Motion to approve:** October 16, 2019 PC Minutes by Commissioner Manus
Seconded by: Commissioner Limon
Action: 4 Ayes, 0 noes, 2 Obstain
- Correspondence** **None**
- City Council Actions** Update provided by Deputy City Attorney, Brian Mulry on the ordinance to provide extra regulations to condo conversions.

ADJOURNMENT

Meeting adjourned at approximately 6:32PM

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

NEXT REGULAR MEETING: February 19, 2020