



*Adhi Nagraj, Chair
Emily Weinstein, Vice Chair
Tom Limon
Clark Manus
Amanda Monchamp
Jahmese Myres
Chris Pattillo*

**November 2, 2016
Regular Meeting**

The meeting was called to order at approximately **6:05pm**.

ROLL CALL

Present: Limon, Manus, Myres, Pattillo, Monchamp, Weinstein, Nagraj

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Item #1 has been continued to November 16, 2016, and Item #5 has been continued to a date uncertain.

Director's Report

None.

Committee Reports

Commissioner Pattillo reported on the Design Review Committee meeting from October 26, 2016.

Commission Matters

Secretary Merkamp stated there is a pending item that needs to be heard by the Residential Appeals Committee and that a meeting of the committee would be held before the end of the year.

City Attorney's Report

Mark Wald of the Oakland City Attorney's Office reported out on a closed session held immediately before this meeting regarding Agenda Item #6, 9850 Kitty Lane.

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。



OPEN FORUM

Joshua Fisher-Lee, Benjamin Chinbal, Darien Saetern, Juliana (did not state last name), Ngan Ly. **Open Forum Session closed.**

CONSENT CALENDAR

This item has been continued to the November 16, 2016, Planning Commission Meeting

1.	Location:	205 Alice Street
	Assessor's Parcel Numbers:	001-0151-004-00
	Proposal:	To establish a Group Assembly Activity for an event space and an Alcoholic Beverage Sales Activity related to the event space within an existing commercial building.
	Applicant:	Rebecca Amato
	Contact Person/Phone Number:	-(510) 420-0210
	Owner:	Chris Curtis
	Case File Number:	PLN16083
	Planning Permits Required:	Major Conditional Use Permit to allow a Group Assembly and Alcoholic Beverage Sales Activities in the C-45 Zone; Public Convenience and Necessity Findings.
	General Plan:	EPP—Mixed Use District
	Zoning:	C-45, Community Shopping Commercial Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects; and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.
	Historic Status:	Not a Potential Designated Historic Property; Rating: F3
	Planning District:	Metro
	City Council District:	3
	Status:	Pending
	Action to be Taken:	Decision on application based on Staff Report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email at mhackett@oaklandnet.com



PUBLIC HEARINGS

2.	Location:	MacArthur Transit Village Parcels A and C1
	Assessor’s Parcel Numbers:	012-1025-010-00 and 012-1025-013-00
	Proposal:	Revise Parcels A and C1 FDP to reduce ground-floor retail and allow live-work units in lieu thereof.
	Applicant:	BRIDGE Housing
	Contact Person:	Marie Debor (949) 229-7075
	Owner:	BART, MacArthur Transit Community Partners, LLC
	Case File Number:	PUD06058-PUDF08
	Planning Permits Required:	Revision to FDP.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	S-15 Transit-Oriented Development Zone
	Environmental Determination:	An Environmental Impact Report (EIR) was certified in June 2008.
	Historic Status:	There are no Potential Designated Historic Properties located on the project site.
	Service Delivery District:	Service District 2
	City Council District:	1
	Date Filed:	September 27, 2016
	Status:	Request recommendation from Planning Commission; Final Decision by City Council at a later date.
	Action to be Taken:	Consider recommendation for FDP application and make CEQA determination.
	Staff Recommendation:	Take public testimony; provide recommendation to City Council.
	Finality of Decision:	No decision will be made on the project at this time.
	For Further Information:	Contact the case planner Catherine Payne at (510) 238-6168 or by email at cpayne@oaklandnet.com

Chair Nagraj stated that, due to the recusal of himself and Commissioners Weinstein and Pattillo for this item, a Chair *pro tem* needed to be selected to hear this item.

Motion by Chair Nagraj for Commissioner Myres to be Chair *pro tem* for this item, seconded by Commissioner Manus.

Ayes: Limon, Manus, Myres, Pattillo, Monchamp, Weinstein, Nagraj

Noes:

Approved with 7 ayes and 0 noes.

This item was called at approximately **6:25pm**.

Staff Member: Catherine Payne

Applicant: Marie Debor, Joe McCarthy

Public Speakers: Sophie Kish, Bill Lambert, Shifra de Benedictus-Kessner, Jacob Adiarte, Kayode Powell, Marcos Johnson, Evella Holt, Sonja Trauss. **Public Session closed.**



Motion by Commissioner Monchamp to approve staff’s request that pursuant to CEQA guidelines §15162-15164 and based on the attached findings and analysis included in the 2016 CEQA memo that rely on the CEQA Macarthur BART Transit Village Project EIR as adequate under CEQA for analysis of the revision to the Macarthur BART Parcels A and C1 FDP and that based on the attached findings we recommend approval of the revision to the Macarthur BART Parcel A and C1 FDP as amended by the documents submitted by Bridge Housing related to the timing for the conversion being extended from 33 to 39 months, and that they will fund a portion of the street lighting up to \$75,000, seconded by Commissioner Limon.

Ayes: Limon, Manus, Monchamp, Myres
Noes:

Approved with 4 ayes and 0 noes.

3.	Location:	The Public Right-of-Way adjacent to 2047 Asilomar Dr.
	Assessors Parcel Numbers:	048E -7344-005-00
	Proposal:	<i>Continued from the September 2, 2015 Planning Commission Hearing.</i> The installation of a distributed antenna system (DAS) wireless telecommunication facility on a new public utility pole in the right-of-way on Asilomar Dr.; facility includes two panel Kathrein antennas mounted at approximately at 50’-1” pole height; an associated equipment box (approx.. 5’-3” tall by 26” wide) will be ground mounted across the public right-of-way from the pole.
	Applicant:	New Cingular Wireless PCS, LLC (d/b/a AT&T Mobility)
	Contact Person/ Phone Number:	Matthew Yergovich (415) 596-3474
	Owner:	City of Oakland
	Case File Number:	PLN15180
	Planning Permits Required:	Major Design Review (non-residential) to install a wireless Macro Telecommunications Facility (17.136.050 (B)(2); Additional Findings for a Macro Facility (OMC Sec. 17.128.070(B)(C)..
	General Plan:	Hillside Residential
	Zoning:	RH-4 Hillside Residential 4 Zone
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines (small facilities or structures; installation of small new equipment and facilities in small structures), and that none of the exceptions to the exemption in CEQA Guidelines section 15300.2 are not triggered by the proposal. Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Not A Potential Designated Historic Property (PDHP); Survey rating:
	Service Delivery District:	II
	City Council District:	4
	Date Filed:	6/3/15
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or by email at jherrera@oaklandnet.com

Commissioner Monchamp recused herself from this item.

This item was called at approximately **7:20pm**.



Staff Member: Jose Herrera-Preza

Applicant: Matthew Yergovich, Darrin Chan, Mark Gravish

Public Speakers: MC Taylor (with PowerPoint presentation), Simone Erlich (with PowerPoint presentation), Jerry Ostrander, Barbara Rosenfeld, Russell Taylor, Leah Dobson, Lynne Ostrander, Lloyd A Lawrence Jr, James Haverkamp, Dale Robinson.

Public Session closed.

Motion by Commissioner Pattillo to deny the application the design review application PLN15180 subject to the attached findings and conditions of approval, seconded by Commissioner Myres. Mr. Wald clarified that the Commission was taking a straw vote and directing staff to return with findings for denial based on aesthetics, and on safety if appropriate. Commissioner Pattillo agreed.

Ayes: Limon, Manus, Myres, Pattillo, Weinstein, Nagraj

Noes:

Motion to Deny the application approved with 6 ayes and 0 noes.

Secretary Merkamp stated that this vote was considered to be a straw vote as the findings supporting a denial needed to be written. This item will return on November 16, 2016, with findings that reflect the Commission's vote.



APPEALS

4.	Location:	585-22nd Street and 570-610 21st Street
	Assessor's Parcel Numbers:	008-0647-013-00, 008-0647-014-00, 008-0647-015-00, 008-0646-028-04
	Proposal:	Appeal of the Zoning Manager's issuance of a Regular Design Review permit for the new construction of a five-story, 78 unit residential building with ground floor parking and amenity spaces; along with the relocation of two historic buildings on 21 st street.
	Original Applicant / Contact:	Kahn Design Associates / (510) 213-2821
	Appellant / Contact:	Meridian Condominium Homeowners Association – Sven Dummer/ (510)292-1853
	Property Owners:	585-22 nd Street, LLC (585-22 nd St.) & Ms. Rosa M. Moran (570 & 600-21 st .)
	Case File Number:	PLN16046-A01
	Original Case File Number:	PLN16046
	Planning Permits Required:	Design Review for new construction of a 78 unit residential building and relocation of two historic buildings.
	General Plan:	Central Business District
	Zoning:	CBD-R Central Business District Residential Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; In-fill development Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning
	Historic Status:	Cathedral District API: 585-22 nd Street - vacant parking lot; 570-21 st Street – Potential Designated Historic Property (PDHP) C1+; 600-21 st Street – Potential Designated Historic Property (PDHP) C1+
	Service Delivery District:	Metro
	City Council District:	3
	Status:	Application approved by Zoning Manager on August 2, 2016; Appealed August 12, 2016.
	Action to be Taken:	Public Hearing
	Staff Recommendation:	Deny the appeal and uphold the Zoning Administrator's approval
	Finality of Decision:	Final (Not Appealable Pursuant to OMC Sec. 17.132.030)
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email at mbradley@oaklandnet.com

This item was called at approximately 8:31pm.

Staff Member: Michael Bradley

Appellant: Meridian Condominium Homeowner's Association, represented by Sven Dummer; and Leslie Levy, Counsel

Original Applicant: Kahn Design Associates, represented by Charles Kahn, project architect/designer and Charlie Long of Junction Properties; and Alexis Pelosi, Land Use Counsel



Public Speakers: Tomas Janik, Chris Garrett, Sonja Trauss, Alex Ludlum, Sven Dummer, Noelle Martin, Martin Inderbitzen, Steve Snider, Chris Buckley

Motion by Commissioner Myres to uphold staff’s CEQA environmental determination, deny the appeal, and uphold the Zoning Administrator’s approval of the project based on this appeal report, and add the following conditions of approval: 1) developer will work with affected tenants and staff to ensure full ADA access for disabled tenants during construction and 2) developer and HOA representative will meet again following this hearing within a reasonable timeline to discuss outstanding concerns, seconded by Commissioner Limon.

Ayes: Limon, Manus, Myres, Pattillo, Monchamp, Weinstein, Nagraj
Noes:

Approved (Appeal denied) with 7 ayes and 0 noes.

At approximately 10:10pm Chair Nagraj called a three minute recess.

The meeting was called back to order at approximately 10:13pm.

This item has been continued to a date uncertain.

5.	Location:	0 Gravatt Drive
	Assessor’s Parcel Numbers:	048H760606400; 06500
	Appeal:	Appeal of an Administrative Decision for a creek determination of two properties on Gravatt Drive
	Proposal:	Subdivide two vacant lots into three lots
	Appellant/Applicant:	DFI Properties, Inc.
	Contact Person/Phone Number:	Steve Anderson, (510)420-8698
	Case File Number:	APL16011 (CDET16004)
	Planning Permits Required:	Tentative Parcel Map for Lot Subdivision, PLN15370/VTPM10342
	General Plan:	Hillside Residential
	Zoning:	RH4 Hillside Residential Zone
	Environmental Determination:	15315 Minor Land Subdivisions
	Historic Status:	Non-historic property
	Service Delivery District:	2
	City Council District:	4
	Status:	Creek Determination issued May 9, 2016 ; Appealed May 18, 2016
	Action to be Taken:	Public Hearing
	Finality of Decision:	Final
	For Further Information:	Contact case planner Caesar Quitevis at (510) 238-6343 or by email at equitevis@oaklandnet.com



6.	Location:	9850 Kitty Lane
	Assessor's Parcel Number:	044-5020-019-00
	Proposal:	To comply with the final Judgment and Writ in the lawsuit filed by the developers of a proposed crematorium (<i>Stewart Enterprises, Inc. and SE Combined Services of CA, Inc. v. City of Oakland et al.</i> , Alameda Superior Court Case No. RG12646176) by (1) vacating the Planning Commission's denial of the developers' Appeal of the Zoning Administrator's determination that the proposed crematorium is subject to the Emergency Ordinance adopted by the City Council on May 15, 2012, and therefore requires an approval of a Major Conditional Use Permit, and (2) granting the appeal because the Court ruled that the building permit issued prior to the adoption of the Emergency Ordinance is not subject to the Ordinance (or extensions thereto), and that the developers may proceed with the crematorium project without the need to obtain a Major Conditional Use Permit.
	Appellant:	Les Hausrath of Wendel Rosen Black and Dean, LLP on behalf of Stewart Enterprises, Inc.
	Owners:	SE Combined Services of CA Inc.
	Planning Permits Required:	Not Applicable
	General Plan:	Business Mix
	Zoning:	CIX-2, Commercial Industrial Mix 2 Zone
	Environmental Determination:	Exempt, Section 15321 of the State CEQA Guidelines, Enforcement Actions by Regulatory Agencies
	Historic Status:	Not a Potentially Designated Historic Property; rating: F3
	Service Delivery District:	6
	City Council District:	7
	Status:	Pending
	Action to be Taken:	Compliance with the Final Judgment and Writ issued in the lawsuit challenging the Planning Commission's August 29, 2012 denial of the appeal
	Staff Recommendation:	Comply with the Final Judgment and Writ by reversing the Planning Commission's August 29, 2012 denial of the appeal
	Finality of Decision:	Final
	For Further Information:	Contact case planner Robert D. Merkamp at (510) 238-6283 or by email at rmerkamp@oaklandnet.com .

This item was called at approximately **10:13pm**.

Staff Member: Robert Merkamp; Kevin Siegel, outside counsel for the City of Oakland.

Public Speakers: Shana Lazerov, Nehanda Imara, Ernesto Arevalo, Esther Goolsby, Cesar Fragoso, Les Hausrath. **Public Session closed.**

Motion by Commissioner Myres to extend meeting past **10:30pm**, seconded by Commissioner Manus.

Ayes: Limon, Manus, Myres, Pattillo, Monchamp, Weinstein, Nagraj
Noes:

Approved with 7 ayes and 0 noes.

