



Oakland City Planning Commission

AGENDA-REVISION 2

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

November 20, 2019
Regular Meeting

MEAL GATHERING **5:00pm** **Building Bridges Conference Room, City Hall, 3rd Floor**

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。



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 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.

ITEM HAS BEEN REMOVED FROM AGENDA AND RESCHEDULED FOR DECEMBER 4, 2019

Table with 2 columns: Field Name and Value. Fields include Location, Assessor's Parcel Number(s), Proposal, Applicant, Contact Person/Phone Number, Owner, Case File Number, Planning Permits Required, General Plan, Zoning, Environmental Determination, Historic Status, City Council District, Finality of Decision, and For Further Information.

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.

2.	Location:	2693 – 2701 Alvingroom Court
	Assessor's Parcel Number(s):	043A-4642-003-06
	Proposal:	To convert an existing ground floor community room into two units in an existing three-story, 15-unit building on "Parcel 7" of the apartment complex.
	Applicant:	Neilsen Studios
	Contact Person/ Phone Number:	Stan Neilsen (925) 324-4247
	Owner:	RHC-OAK2, LP
	Case File Number:	REV190016
	Planning Permits Required:	Conditional Use Permit (CUP) for projects involving five or more units in the RM-4 Zone. The CUP is major because it involves seven or more units. The project also requires Regular Design Review approval for creation of dwelling units.
	General Plan:	Mixed Housing Residential
	Zoning:	RM-4
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities, Section 15183: Projects consistent with a Community Plan, General Plan or Zoning.
	Historic Status:	Not Historic
	City Council District:	7
	Finality of Decision:	Appealable to the City Council within ten days.
	For Further Information:	Contact Case Planner Eva Wu at (510)238-3785 or by email at ewu@oaklandca.gov

3.	Location:	City-owned parcels and the areas within 30 feet of the edge of roadsides located within the City's Very High Fire Severity Zone (VHFHSZ) as designated by CAL FIRE, and also defined in Section 4904.3 of the Oakland Fire Code (Oakland Municipal Code Chapter 15.12). The Plan are includes: 422 City-owned parcels, ranging in size from <0.1 acres to 235 acres and totaling 1,924.9 acres; and roadside areas along 308 miles of road within the City's VHFHSZ, which includes surface and arterial streets, State Routes 13 and 24, and Interstate 580. The parks, recreational and open space areas discussed in the Oakland Vegetation Management Plan are as follows: Beaconsfield Canyon, Garber Park, Dimond Canyon Park, Shepherd Canyon Park, Leona Heights Park, North Oakland Regional Sports Complex, Grizzly Peak Open Space, City Stables, Sheffield Village
-----------	------------------	--



Proposal:	Open Space, Knowland Park and Arboretum; Joaquin Miller Park, Tunnel Road Open Space, and Sulfur Springs Park. Scoping session for an environmental review of the proposed Oakland Vegetation Management Plan (OVMP). The project is subject to CEQA.
Applicant:	City of Oakland
Case File Number:	TBD
General Plan:	<u>Open Space, Conservation and Recreation (OSCAR) Element</u> Urban Park; Resource Conservation Area <u>Land Use and Transportation Element (LUTE)</u> Local Streets; Collector Streets; Arterial Streets; and Freeways
Zoning:	OS (LP), OS (NP), OS (RCP), OS (RCA), OS (AF), OS (AMP), OS(SU)
Environmental Determination:	An Environmental Impact Report (EIR) will be prepared as part of the Oakland Vegetation Management Plan.
Historic Status:	9 Landmarks; 1 Area of Primary Importance (API); 18 Areas of Secondary Importance (ASI)
City Council District:	1, 4, 6, and 7
Action to be Taken:	Receive public and Planning Commission comments regarding what information and analysis should be included in the EIR. No decisions will be made on the project at this hearing.
For Further Information:	Contact Angela Robinson Piñon at (510) 238-3707 or by email at arobinsonpinon@oaklandca.gov . Project website: https://www.oaklandvegmanagement.org

4.	Location:	CITYWIDE
	Proposal:	To recommend to the Association of Bay Area Governments two Priority Production Areas (PPAs) in the City of Oakland. PPAs will be identified in the region's long-range plan – Plan Bay Area 2050 – which will help to position these areas for future planning and investment.
	Applicant:	City of Oakland
	General Plan:	Various
	Zoning:	Various
	Environmental Determination:	The proposal relies on the previously certified Environmental Impact Reports (EIRs) for the Land Use and Transportation Element of the General Plan; the Historic Preservation Element of the General Plan; the 2015-2023 Housing Element; various Redevelopment Plans; the West Oakland, Lake Merritt Station Area, Broadway-Valdez, and Central Estuary Specific Plans; and the Plan Bay Area. On a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15262 (Feasibility and Planning Studies); 15307 (Actions by Regulatory Agencies for Protection of Natural Resources); and/or 15061(b)(3) (the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment.)
	City Council District:	3, 7
	Finality of Decision:	Recommendation to the City Council
	For Further Information:	Contact case planner Diana Perez-Domencich (510) 238-3550 or by email: DPerez-Domencich@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, 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.

ITEM MOVED FROM NOVEMBER 20, 2019 AGENDA TBA

5.	Location:	8291, 8300, and 8304 Baldwin Street (APN#'s 042-4318-044-00, 043-00, and 042-00) & 685 85 th Avenue (APN: 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. (Continuation from the 9/18/19 planning Commission Meeting)
	Appellant:	William Crotinger and Sean R. Marciniak, for Silverado Contractor
	Contact Person/Phone Number:	Sean Marciniak (925)935-9400
	Owner:	Kenneth Morris-WTR
	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
	Status:	Pending
	Action to be Taken:	Decision of Application by Planning Commission
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Moe Hackett at (510) 238-39730 or by email: mhackett@oaklandnet.com



6.	Location:	0 Linden Street	3319 Linden Street
	APN:	005 0471-006-00	005 0471-005-00
	Proposal:	Appeal of the Zoning Manager's Determination regarding the legality of a Construction Operations Industrial Activity	
	Applicant:	William H. McInerney Jr. (510) 465-7100	
	Owner:	Rahebi Properties	
	Appellant:	William H. McInerney Jr.	
	Case File Number:	APL190020	APL19019
	Original Case File Number:	DET190068	DET190067
	Planning Permits Required:	N/A	N/A
	General Plan:	Mixed Housing	Urban Residential
	Zoning:	RM-2	RU-5
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15306, Information collection ????	
	Historic Status:	N/A	
	City Council District:	3	
	Status:	The Zoning Decision Letter was mailed on July 2, 2019; Project appealed on July 11, 2019	
	Staff Recommendation:	Deny the Appeal and uphold the Zoning Manager's Decision.	
	Finality of Decision:	Final (cannot be appealable to City Council pursuant to OMC Sec. 17.132.030)	
	For Further Information:	Contact case Planner Eva Wu at (510) 238-3785 or ewu@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: December 4, 2019