



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

**October 2, 2019**  
**Regular Meeting**

**MEAL GATHERING**      **5:00pm**      **Building Bridges Conference Room, City Hall, 3<sup>rd</sup> 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.**

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*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 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](http://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 16<sup>th</sup> 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](mailto: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.



<b>1.</b>	<b>Location:</b>	<b>2400 Filbert Street</b>
	<b>Assessor's Parcel Number(s):</b>	<b>005-0433-018-05 and 005-0433-018-06</b>
	<b>Proposal:</b>	To construct a four-story building with 77 dwelling units and convert an existing one story warehouse to ten joint living and working quarters (work/live units). The proposal includes 16 affordable housing units.
	<b>Applicant:</b>	Levy Design Partners
	<b>Contact Person/ Phone Number:</b>	Toby Levy (415)777-0561
	<b>Owner:</b>	TNP Real Estate Investments, LLC
	<b>Case File Number:</b>	<b>PLN19025</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permit for number of units in the RM-4 Zone and Regular Design Review for new construction. Tentative Parcel Map to merge two lots into one and create condominiums.
	<b>General Plan:</b>	Mixed Housing Type Residential
	<b>Zoning:</b>	Mixed Housing Type Residential – 4 (RM-4)
	<b>Environmental Determination:</b>	The project qualifies for California Environmental Quality Act (CEQA) streamlining provisions under CEQA Guidelines Sections 15183 and 15183.3 to tier from the program-level analysis completed in the City of Oakland (City) General Plan Land Use and Transportation Element (LUTE) and its EIR, the 2010 General Plan Housing Element Update EIR and 2014 Addendum, the West Oakland Redevelopment Plan (Redevelopment Plan) and its EIR, and the West Oakland Specific Plan (WOSP) and its EIR4—collectively referred to herein as the “Program EIRs”—which analyzed environmental impacts associated with adoption and implementation of the General Plan, Redevelopment Plan, and the WOSP.
	<b>Historic Status:</b>	Office of History Survey Rating of Ed3
	<b>City Council District:</b>	3
	<b>Finality of Decision:</b>	Appealable to the City Council
	<b>For Further Information:</b>	Contact Case Planner Neil Gray, Planner IV, at (510)238-3878 or by email at <a href="mailto:ngray@oaklandca.gov">ngray@oaklandca.gov</a> .



<b>2.</b>	<b>Location:</b>	<b>Area bounded generally by 27th Street to the north; I-980 and Brush Street to the west; the Jack London estuary waterfront to the south; and Lake Merritt, Channel, and 5th Avenue to the east.</b>
	<b>Proposal:</b>	Conduct a public hearing and solicit/provide comments on the Draft Downtown Oakland Specific Plan (Draft Plan) and on the Draft Environmental Impact Report (Draft EIR) and the associated proposed draft General Plan amendments and zoning framework concepts.
	<b>Applicant:</b>	City of Oakland
	<b>Case File Number:</b>	<b>ER18020 &amp; SP16001</b>
	<b>General Plan:</b>	<b><u>Land Use and Transportation Element (LUTE)</u></b> Business Mix; Central Business District; Community Commercial; General Industry and Transportation; Institutional; Mixed Housing Type Residential; Neighborhood Center Mixed Use; Urban Park and Open Space; Urban Residential <b><u>Estuary Policy Plan (EPP)</u></b> Light Industry 1; Mixed Use District; Off-Price Retail District; Parks; Produce Market; Retail Dining Entertainment 1; Retail Dining Entertainment 2; Waterfront Commercial Recreation 1; Waterfront Mixed Use; Waterfront Warehouse District
	<b>Zoning:</b>	C-40, C-45, CBD-C, CBD-P, CBD-R, CBD-X, CC-1, CC-2, CC-3, CIX-1A, CIX-1B, D-LM-2, D-LM-3, D-LM-4, D-LM-5, IG, M-20, M-30, M-40, OS(LP), OS(NP), OS(RCP), OS(RCA), OS (AF), OS (AMP), OS(SU), R-80, RU-3, RU-4, RU-5, S-2
	<b>Environmental Determination:</b>	The Draft EIR for the Downtown Oakland Specific Plan was published (SCH No. 2019012008) on August 30, 2019. The 45-day public review period will be extended from August 30, 2019 to October 22, 2019 for a total of 53 days. The Draft EIR will appear before the Planning Commission on October 2, 2019 for public comment.
	<b>Historic Status:</b>	52 Landmarks, 21 Areas of Primary Importance (API); 27 Areas of Secondary Importance (ASI)
	<b>City Council District:</b>	2, 3
	<b>Status:</b>	The Draft Plan was released on August 30, 2019, and was presented before the Planning Commission on September 4, 2019 for initial comments. The Draft EIR was published on August 30, 2019, and is subject to a 45-day public review and comment period, which has been extended to 53 days (Aug. 30 to Oct. 22), and a public hearing before the Planning Commission on October 2, 2019. The Draft Plan will continue to be subject to public review and comment beyond October 22, 2019 to allow for public review of the upcoming zoning incentive study.
	<b>Action to be Taken:</b>	Receive comments from the Planning Commission and the public on the Draft Plan and the Draft EIR.
	<b>For Further Information:</b>	Contact Project Manager <b>Joanna Winter</b> at (510) 238-2166 or by email at <a href="mailto:jwinter@oaklandca.gov">jwinter@oaklandca.gov</a> or <b>Alicia Parker</b> at (510) 238-3362 or by email at <a href="mailto:aparker@oaklandca.gov">aparker@oaklandca.gov</a> .



**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.

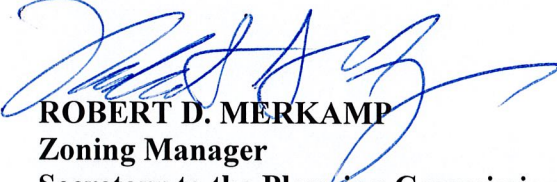
**COMMISSION BUSINESS**

**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:** October 16, 2019