



Oakland City Planning Commission

AGENDA

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

September 18, 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.

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

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。



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.

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| 1. | Location: | 2650 Broadway |
| | Assessor’s Parcel Number(s): | 009-0685-018-06 |
| | Proposal: | Alcoholic beverage sales for off-site consumption at a Target retail store with hours of operation of 7am-12am. |
| | Applicant: | Beth Aboulafia (on behalf of Target Corporation) (415) 362-1215 |
| | Owner: | CRP/THC Oakland Broadway Upton Ventures LLC |
| | Case File Number: | PLN19185 |
| | Planning Permits Required: | Major Conditional Use Permit to allow Alcoholic Beverage Sales Commercial Activities with Findings for Public Convenience or Necessity (Sec. 17.03.030 (B) (2) & (3)) |
| | General Plan: | Central Business District |
| | Zoning: | D-BV-1 |
| | Environmental Determination: | <i>Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Exempt, Section 15183: projects consistent with a community plan, general plan, or zoning.</i> |
| | Historic Status: | Non-Historic Property |
| | City Council District: | 3 |
| | Finality of Decision: | Appealable to City Council within 10 days |
| | For Further Information: | Contact Case Planner Eva Wu at (510) 238-3785 or by email at ewu@oaklandca.gov . |



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| 2. | Location: | 300 Lakeside Dr – Kaiser Center |
| | Assessor’s Parcel Number(s): | 008-0652-001-05 |
| | Proposal: | Extension of entitlements for the Planned Unit Development (PUD) to construct approximately 1,500,000 square feet of new office development in two towers on the western side of the Kaiser Center. |
| | Applicant: | Tomás Schoenberg (415) 291-1104 |
| | Owner: | SIC-Lakeside Drive, LLC |
| | Case File Number: | PUD08103 & TPM9848 |
| | Planning Permits Required: | Extension of the Planned Unit Development and Tentative Parcel Map. |
| | General Plan: | Central Business District |
| | Zoning: | Current Zoning: CBD-C, Central Business District Commercial. Prior Zoning from when application was deemed complete: C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17, Downtown Residential Open Space |
| | Environmental Determination: | An EIR was Certified for the Project on May 4, 2011. |
| | Historic Status: | Kaiser Center Building & Roof Garden are CEQA Historic Resources (Oakland Cultural Heritage Survey Rating A1+; listed on the Local Register of Historical Resources; appears eligible for the National Register individually and as part of the Lake Merritt District (code 3B)) |
| | City Council District: | 3 |
| | Finality of Decision: | Appealable to City Council |
| | For Further Information: | Contact Case Planner Pete Vollmann at (510) 238-6167 or by email at pvollmann@oaklandca.gov . |

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| 3. | Location: | 1415 Harrison Street |
| | Assessor’s Parcel Number(s): | 008-0625-045-00 |
| | Proposal: | To have a Supportive Housing Residential Activity located within thirty (30) feet of the front lot line on the ground floor of an existing principal building fronting a Commercial Corridor. <i>At the Appeal hearing before the Planning Commission on May 15, 2019, the Commission directed the Applicant/Appellant and staff to work together to develop a design that would include a sizeable retail space along 14th Street in order to make the Minor Variance Findings. The motion was to return to the Planning Commission with the proposed plan at a date uncertain. The Applicant/Appellant has modified the ground floor, and staff supports the modified proposal and has made the required Findings.</i> |
| | Applicant/Contact Number: | Resources for Community Development / Jessica Sheldon (510) 841-4410 |
| | Appellant/Owner: | Resources for Community Development – Jessica Sheldon |
| | Case File Number | APL19008 (Appeal of PLN18502) |
| | Planning Permits Required: | Minor Variance for a Supportive Housing Residential Activity located within thirty (30) feet of the front lot line on the ground floor of an existing principal building fronting a Commercial Corridor. |
| | General Plan: | Central Business District |
| | Zoning: | D-LM-2 Lake Merritt Station Area District Zone |
| | Environmental Determination: | Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities |
| | Historic Status: | OCHS Rating B+1+, Local Register Property |
| | City Council District: | 3 |
| | Date Appeal Filed: | 2/15/19 |
| | Staff Recommendation: | Uphold the Appeal and deny the Zoning Manager’s decision based on the modified project plans submitted on August 29, 2019, and the new Minor Variance Findings. |
| | Finality of Decision: | Decision of the Planning Commission shall be final immediately pursuant to Planning Code Sec. 17.148.060.) |
| | For Further Information: | Contact case planner Heather Klein, Planner IV at (510) 238-3659 or HKlein@oaklandca.gov . |



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.



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| 4. | Location: | 101 E. 12th Street |
| | Assessor's Parcel Number(s): | 019-0027-014-00 |
| | Proposal: | Construction of two buildings. The northern building is a 26-story residential tower that contains 252 market rate units and 18 "work force" units. The southern building is six stories and contains 90 affordable housing units. The project also includes 327 square feet of commercial space, a cultural space, and 221 parking spaces. Off-site improvements are also proposed to the existing stormwater treatment basin/park located adjacent to the site. **Note: This project was approved by the Planning Commission on 6/15/16. It is returning to the Planning Commission because the prior approval lapsed on 6/22/19. |
| | Applicant: | Michael Johnson |
| | Contact Phone Number: | (415) 748-2300 |
| | Owner: | City of Oakland; contact is Hui Chang Li (510)238-6239 |
| | Case File Number: | PLN19215 |
| | Planning Permits Required: | Design Review for new construction; Conditional Use Permits to be subject to the requirements of Height Area LM-275 instead of Height Area LM-85; for increased building base height; for reduced loading birth dimensions; for construction over 100,000 square feet, and for improvements to a stormwater treatment facility. Variance for a storefront depth of 28 feet instead of the required 50 feet; All permits are Major because the proposed construction is greater than 100,000 square feet in a D-LM zone. |
| | General Plan: | Urban Residential |
| | Zoning: | D-LM-1 Lake Merritt Station Area District Mixed Residential Zone – 1 |
| | Environmental Determination: | The anticipated environmental effects of the project have been evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014). The project is also Categorically Exempt under Section 15332 of the State CEQA Guidelines: In-Fill Development Projects; Section 15183 of the State CEQA Guidelines: Projects consistent with a Community Plan, General Plan or Zoning; and 15183.3 (Streamlining for Infill Projects). These analyses and exemptions satisfy CEQA requirements on a separate and independent basis. |
| | Historic Status: | Empty lot; no historic properties. |
| | City Council District: | 2 |
| | Finality of Decision: | Appealable to the City Council within ten days. |
| | For Further Information: | Contact Case Planner Neil Gray at (510)238-3878 or by email at ngray@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, 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.



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| 5. | Location: | 1 Hiller Drive – Bentley School |
| | Assessor's Parcel Number: | 015 1298-009-00 |
| | Proposal: | Appeal of the Zoning Manager's Determination regarding the School's compliance with their Conditions of Approval related to the maximum number of faculty and staff. |
| | Applicant: | Bentley School (510) 843-2512 |
| | Owner: | Bentley School |
| | Appellant: | Gordon and Susan Piper on behalf of the Neighbors for Safety in Hiller Highlands |
| | Case File Number: | APL19002 |
| | Original Case File Number: | CM04411, REV100003, ER07006 |
| | Planning Permits Required: | N/A |
| | General Plan: | Hillside Residential |
| | Zoning: | Hillside Residential -3 (RH-3) Zone |
| | Environmental Determination: | Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301: Existing Facility and Section 15306, Information collection. An Environmental Impact Report was prepared for the project (ER07006) and certified by the Planning Commission on October 21, 2009. |
| | Historic Status: | OCHS Rating: C3 |
| | City Council District: | 1 |
| | Status: | The Zoning Decision Letter was mailed on January 18, 2019; Project appealed on January 28, 2019. |
| | Staff Recommendation: | Deny the Appeal and uphold the Zoning Manager's Decision. |
| | Finality of Decision: | Final (not administratively Appealable pursuant to OMC Sec. 17.132.030) |
| | For Further Information: | Contact Case Planner Heather Klein at (510) 238-3659 or by email at hklein@oaklandca.gov . |

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| 6. | Location: | 8291, 8300, & 8304 Baldwin Street and 685 85th Avenue |
| | Assessor's Parcel Number(s): | 042-4318-044-00, -043-00, -042-00 and 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. |
| | Appellant: | William Crotinger and Sean R. Marciniak, for Silverado Contractor |
| | Contact Person/Phone Number: | Sean Marciniak (925) 935-9400 |
| | Owner: | Kenneth Morris W Tr |
| | 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 |
| | Action to be Taken: | Decision of Appeal by Planning Commission |
| | Finality of Decision: | Final (not administratively Appealable pursuant to OMC Sec. 17.132.030) |
| | For Further Information: | Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com |



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 2, 2019