



*Jim Moore, Chair
Adhi Nagraj, Vice Chair
Jahaziel Bonilla
Amanda Monchamp
Jahmese Myres
Chris Pattillo
Emily Weinstein*

October 21, 2015
Regular Meeting

REVISED OCTOBER 8TH, 2015 TO INCLUDE AGENDA ITEMS FROM THE OCTOBER 7, 2015 AGENDA. THE OCTOBER 7TH MEETING WAS ADJOURNED DUE TO LACK OF QUORUM. PURSUANT TO CALIFORNIA GOVERNMENT CODE 54955. ITEMS #1-3 WERE ITEMS ORIGINALLY SCHEDULED FOR OCTOBER 7TH AND HAVE BEEN RENUMBERED.

MEAL GATHERING 5:15 P.M.

Saigon Restaurant, 326 Frank Ogawa Plaza, Oakland
Open to the public (Members of the public may purchase their own meals if desired. Consumption of food is not required to attend.)

BUSINESS MEETING 6:00 P.M.

Sgt. Mark Dunakin Hearing Room 1, 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.

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 p.m.,

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 Community and Economic Development Agency, Planning and Zoning Division, 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 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.



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 check with the Department 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 be available by 3:00 p.m. the Friday before the meeting, to any interested party, at the Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Oakland, California 94612. **Reports are also available at the Strategic Planning Division on the 3rd floor (Suite 3315), which closes at 5:00 p.m.**

**New web-site staff report
download instructions**

Staff reports are also available on-line, by 3:00 p.m. the Friday before the meeting, at www.oaklandnet.com. Select the "Government" tab, scroll down and click on "Planning & Zoning" click on "visit the Boards and Commissions page" under "Planning Commission". You will need to ensure that your computer will accept pop-ups from the host site (oaklandnet.com) 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 Zoning Division, 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.

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 Clay Street Garage is free. Attendees should see staff at the meeting for validation of parking tokens.

Applicants or members of the public that plan power point presentations: Please contact Cheryl Dunaway at cdunaway@oaklandnet.com or 510-238-2912 or Gwen Brown at gbrown@oaklandnet.com or 510-238-6194 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, 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 will be distributed at or prior to the meeting. To ensure that material is distributed to Commissioners, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time is scheduled to be considered by the Commission.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion



Director's Report Status Update for the Impact Fee Nexus Study

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. 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 in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

1.	Location:	Public right-of-way west of 6700 Moore Drive (APN: 048D-7310-024-03)
	Proposal:	To install an extension with 2 antennas and pole mounted equipment attached to a 41' wooden utility pole to total 51'-1" in height. <i>The proposal has been revised; this is a re-notification</i>
	Applicant /	Matt Yergovich/Extenet (for: AT&T)
	Phone Number:	(415) 596-3747
	Owner:	Public right-of-way: City of Oakland
	Case File Number:	PLN14045
	Planning Permits Required:	Regular Design Review and additional findings for a Telecommunications Facility in a Residential Zone
	General Plan:	Hillside Residential
	Zoning:	RH-4 Hillside Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15303 of the State CEQA Guidelines: New Construction; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-historic property
	Service Delivery District:	2
	City Council District:	4
	Date Filed:	March 10, 2014 (revision filed July 14, 2015)
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Aubrey Rose, AICP at (510) 238-2071 or arose@oaklandnet.com



2. **Location:** The public Right of Way near to 8173 Skyline Boulevard. Nearest lot adjacent to the project site. APN: (0048E-7321-022-04).

Proposal: The project involves the installation of a new wireless Telecommunications facility (AT&T Wireless) on a new 45' tall wood pole located in the public right-of-way; installation two panel antennas (two-foot long and ten inches wide) mounted at 45 feet above the ground; an associated equipment box, one battery backup and meter boxes within a 8 foot long by 2 foot wide equipment shroud mounted on the pole at 8 feet above the ground.

Applicant: ExteNet System for AT&T Mobility

Contact Person/Phone Number: Mattew Yergovich
(415) 596-3474

Owner: City of Oakland

Case File Number: PLN15181

Planning Permits Required: Major Conditional of Use Permit and Major Design Review to install a wireless Telecommunication Monopole Facility on a new wooden pole located in the public right- of- way in the residential zone.

General Plan: Hillside Residential

Zoning: RH-4 /S-10/S-11 Zones.

Environmental Determination: Exempt, Section 15303 of the State CEQA Guidelines; new wooden telecommunication pole . 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; Survey Rating: N/A

Service Delivery District: 3

City Council District: 4

Status: Pending

Action to be Taken: Decision of Application

Finality of Decision: Appealable to City.Council within 10 Days.

For Further Information: Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@oaklandnet.com

4. **Location:** 2538 Telegraph Avenue (APNs 009-0683-021-01 and 009-0683-024-00).

Proposal: Extension of entitlements to construct a 7-story, mixed-use building containing up to 97 residential units and 8,800 square feet of retail on the ground floor. Incorporates parking garage with 116 parking spaces.

Project Sponsor: Neal A. Parish, Wendel, Rosen, Black & Dean LLP, (510)834-6600

Owner(s): Sandringham Properties, LLC/Sidbar Properties, LLC

Case File Number(s): ZP050158, CMD05511

Planning Permits Required: Extension of Major Conditional Use Permit for a large-scale development over 100,000 square feet of new floor area; Interim Condition Use Permit for residential use in C-60 district; Minor Variance from required number of commercial parking spaces and parking space dimensions; Design Review.

General Plan: Community Commercial

Zoning: Previously: C-45 Community Shopping Commercial Zone / C-60 City Service Commercial Zone; Currently: Community Commercial (CC-2 and CC-3)

Environmental Determination: Infill exemption with traffic study.

Historic Status: Not historic.

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Service Delivery District: Metro
City Council District: 3-McElhaney
Status: Approved on January 4, 2006; Extended through December 31, 2015
Action to be Taken: Consider extension of permits.
Finality of Decision: Appealable to City Council
For further information: Contact **Catherine Payne** at **510-238-6168** or by e-mail at **cpayne@oaklandnet.com**

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 Zoning Division 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 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 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 (i.e., 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 Zoning Division, 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 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 City Planning Commission prior to the close of the City 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.

- 3. **Location:** 10700 Macarthur Boulevard (APN: 047-5589-001-13 & 047-5589-001-12)
- Proposal:** To construct and establish a new fast food restaurant (McDonald's) with drive through service. (sub-division map to be filed later).
- Owner:** Macarthur Boulevard Associates, a CA L.P.
- Applicant:** Jay-Phares Corporation & Macarthur Boulevard Associates, a CA L.P
- Case File Number:** PLN15-083
- Planning Permits Required:** Design Review for construction of a new commercial building, Major Conditional Use Permits for Fast Food Restaurant and Drive-Through, Minor Variances for distance separation between other Fast Food Restaurants, Drive-Through exit to a 30-foot wide street where 32 feet is required, and reduction of 7 parking stall from the shopping center (to allow for the drive through lane). (sub-division map to be filed later)
- General Plan:** Community Commercial
- Zoning:** CC-1

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Environmental Determination: Section 15164 of the State CEQA Guidelines: Addendum to the Mitigated Negative Declaration for the Redevelopment of the Foothill Square Shopping Center adopted by the Planning Commission on May 4, 2011; 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: N/A

Service Delivery District: 4

City Council District: 7

Status: Pending

Action to be Taken: Decision on application based on staff report

Staff Recommendation: Approval subject to conditions

Finality of Decision: Appealable to City Council within 10 days

For Further Information: Contact case planner **Moe Hackett** at (510) 238-3973 or by email at mhackett@oaklandnet.com

5. **Location:** 905-72nd Avenue (APN: 041-4153-013-02)

Proposal: To construct a new six-story, 59 unit multi-family affordable housing residential building with a Service-Enriched Permanent Housing Residential Activity component.

Applicant: Resources for Community Development

Contact Person/Phone Number: Jessica Sheldon (510)841-4410 x335

Owner: Resources for Community Development

Case File Number: PLN15237

Planning Permits Required: Regular Design Review to construct a new six-story, 59 unit multi-family affordable housing residential building with a density bonus of 59 units where 54 units are permitted (9% bonus) and density incentives (1) for a building height of 68' where 60 is permitted; and (2) to exceed the maximum height at a 1:1 ratio from the rear setback line to the roof of the building.
Major Conditional Use Permit for a Service-Enriched Permanent Housing Residential Activities

General Plan: Urban Residential

Zoning: S-15 Transit Oriented Development Zone

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; In-fill development projects
15303 of the State CEQA Guidelines; new construction of small structures.
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; Survey Rating: D3

Service Delivery District: 4

City Council District: 7

Status: Pending

Action to be Taken: Decision of Application

Finality of Decision: Appealable to City Council within 10 days

For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com



6. **Location:** **Brooklyn Basin (formerly known as “Oak to 9th Avenue”); specifically, Shoreline Park, located on the current site of the 9th Avenue Terminal.**

Proposal: Final Development Permit (FDP) for Shoreline Park, including demolition and retention of portion of 9th Avenue Terminal.

Applicant: Zarsion-OHP 1, LLC (ZOHP), Patrick Van Ness (510) 251-9272.

Owner: ZOHP, Port of Oakland, City of Oakland

Case File Number : **DA06011, PUD06010**

Planning Permits Required: FDP, compliance with CEQA.

General Plan: EPP-Parks (Estuary Policy Plan-Parks).

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Zoning: OS-RSP (Open Space-Region-Serving Park)

Environmental Determination: Final EIR certified on January 20, 2009.

Historic Status: 9th Avenue Terminal, rated “A”

Service Delivery District: 3

City Council District: 2 – Abel Guileen

Action to be Taken: Consider FDP and make CEQA determination

Finality of Decision: Appealable to City Council within 10 days

For further information: Contact case planner **Catherine Payne** at **510-238-6168** or by e-mail at **cpayne@oaklandnet.com**

7. **Location:** **1405 Wood Street - Development Area 6 (APN: 018-0310-013-01)**

Proposal: To construct a new 44-unit townhouse-style residential development (condo map to be filed later).

Owner: Build West Oakland, LLC

Applicant: City Ventures – Claire Han (415)722-6534

Case File Number: **PLN15245/UDF01**

Planning Permits Required: Preliminary and Final Development Plan; Design Review for construction of 44 new townhouse-style residential units (Condo map to be filed later)

General Plan: Urban Residential

Zoning: D-WS Wood Street Zoning District – Development Area 6

Environmental Determination: State CEQA Guidelines: The project relies on previous EIR (ER03-0023) for Wood Street certified on March 16, 2005 and the West Oakland Specific Plan (WOSP) EIR certified on July 29, 2014, and Section 15183, projects consistent with a community plan, general plan or zoning.

Historic Status: Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A

Service Delivery District: 1

City Council District: 3

Status: Pending

Action to be Taken: Decision on application based on staff report

Staff Recommendation: Approval subject to conditions

Finality of Decision: Appealable to City Council within 10 days

For Further Information: Contact case planner **Maurice Brenyah-Addow** at **(510) 238-6342** or by email at **mbrenyah@oaklandnet.com**



8. **Location:** Citywide.

Proposal: **Review proposed citywide Planning Code amendments, including proposals to:** 1) Revise regulations for Secondary Units; 2) Amend Transitional and Supportive Housing regulations to comply with State law; 3) Revise Home Occupations regulations; 4) Reduce restrictions on Commercial Activities in R-80 Zone; 5) Revise development standards in RM and RU Zones; 6) Allow Custom Manufacturing with Conditional Use Permit (CUP) on the ground floor in CN Zones; 7) Increase minimum ground floor height in RU, CN and CC Zones; 8) Revise CR Zone front setback; 9) Permit 'Group Assembly' and 'Personal Instruction Services' in C-45 Zone; 10) Amend Height and Bulk Standards in CBD Zones; 11) Revise density ranges in HBX Zones; 12) Revise HBX-1 open space and height regulations; 13) Modify density ranges for the 55-ft., 60-ft. and 75-ft. height map areas; 14) Allow a reduction in setbacks in D-CE-3 and D-CE-4 Zones through design review; 15) Eliminate CUP for Auto Sales in D-CO-3 when adjacent to Oakport St.; 16) Reduce zones allowing Electroplating Activities; 17) Require sidewalk cafés to maintain at least 50% of sidewalk width for pedestrian purposes; 18) Revise allowed height projections for parapets and other decorative features; 19) Reduce D-LM parking standard, clarify allowed D-LM height area exceptions, and amend D-LM Height and Bulk Standards; 20) Amend procedure for resolving tie votes at the Planning Commission; 21) Allow for more Transfer of Development Rights; 22) Amend code to specify need for timely Planning Commission recommendations; 23) Add provisions regarding inactive Planning applications; 24) Amend major CUP and Design Review thresholds; 25) Revise mini-lot regulations; 26) Make other minor Zoning Text changes to improve clarity and consistency in the Zoning Code; and

Review proposed geographically specific Planning Code Text, Zoning Map and Height Area amendments, including proposals to: 1) Add Acura dealership block to the D-BV zoned areas where additional height/FAR bonus is available; 2) Amend map designations for the 3rd and 7th St. areas between West Oakland BART and Downtown; 3) Apply D-LM-2 Zone and 85-foot height area to two lots on the north side of 14th St. between Harrison and Alice St.; 4) Apply BV-4 Zone and 85-foot height area to the corner of 23rd and Valley St., and to the eastern half of the 24th/25th St. block; 5) Change height limit for the corner of Broadway, Brook St., and Piedmont Ave. from 45 ft. to 65 ft.; and 6) Apply the CIX-2 Zone to block defined by 47th Ave., E. 12th St., 50th Ave., and San Leandro St., and to certain parcels near I-880 between 45th and 42nd Ave.

Applicant: City of Oakland

Case File Numbers: ZA15018

Planning Permits Required: Not Applicable. Discussion of proposed Planning Code, Map, and Height Area amendments.

General Plan: Land Use and Transportation Element (LUTE) Areas: All.
Estuary Policy Plan Areas: All.

Zoning: All Zones citywide

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Environmental Determination: The proposed amendments to the Planning Code, Map and Height Areas rely on the previously certified Final Environmental Impact Reports for the Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).

Historic Status: Not Applicable

Service Delivery District: All.

City Council Districts: All.

Actions to be Taken: Receive public and Planning Commission comments on the proposed Planning Code, Zoning Map, and Height Area amendments, and request Planning Commission for its recommendation to City Council.

For Further Information: Contact project planner Ed Manasse at 510-238-7733 or emanasse@oaklandnet.com

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 Zoning Division, Community and Economic Development Agency, 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 report prepared by staff. If the Commission reverses/overturns the staff decision and no alternate findings 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 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.

(There are no Appeals on this agenda)

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.

A handwritten signature in black ink, appearing to read 'Robert D. Merkamp', written over a horizontal line.

ROBERT D. MERKAMP
Development Planning Manager
Planning and Zoning Division

NEXT MEETING: November 4, 2015