



# Oakland City Planning Commission

Minutes

Chris Pattillo, Chair  
Jim Moore, Vice Chair  
Jahaziel Bonilla  
Michael Coleman  
Adhi Nagraj  
Emily Weinstein

January 29, 2014  
Regular Meeting

## ROLL CALL

**Present:** Pattillo, Moore, Bonilla, Coleman, Nagraj, Weinstein.

**Staff:** Rachel Flynn, Scott Miller, Aubrey Rose, Celena Chen, Cheryl Dunaway.

## WELCOME BY THE CHAIR

### Director's Report

Director Flynn gave an update on the training retreat to be held on a Saturday in March. Notification of available dates and times will be sent to the Planning Commission soon. The West Oakland Specific Plan Workshop will be held on Thursday, February 6, 2014 at the West Oakland Senior Center. Invitations to attend will be sent to the Planning Commission and interested parties.

### City Attorney's Report

City Attorney Celena Chen gave a report on two lawsuits recently filed. NorCal Healthcare filed a lawsuit on a Planning Commission appeal denial of a Conditional Use Permit (CUP) in October 2013. Communities for a Better Environment filed a lawsuit on an appeal denial in September 2013 of the Zoning Administrator's decision that a crematorium is classified as a general manufacturing activity.

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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 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.



Chair Pattillo asked if this was a separate lawsuit from the previous lawsuit filed related to a crematorium appeal denial.

Ms. Chen responded stating that this is a separate lawsuit. The first lawsuit was filed by Stewart Enterprises and this one was filed by Communities for a Better Environment.

**CONSENT CALENDAR**

Chair Pattillo requested that item #1 be pulled from the consent calendar to allow the Planning Commission to consider an alternative proposal to the one included in the staff report.

<b>1.</b>	<b>Location:</b>	<b>2825/2833 Park Boulevard</b>
	<b>Assessors Parcel Numbers:</b>	<b>(023 -0404-011 &amp;012-00)</b>
	<b>Proposal:</b>	Request for a Major Conditional Use Permit to modify an existing unmanned wireless telecommunication facility from a mini to a macro facility. The proposal will remove four (4) 2'ft. panel antennas located along the side of the building and replace with eight (8) 6'ft. panel antennas inside four new RF screens on the roof.
	<b>Applicant:</b>	Christian Hill for AT&T Mobility
	<b>Contact Person/ Phone</b>	Christian Hill
	<b>Number:</b>	(707) 342-2096
	<b>Owner:</b>	Amitabha Temple of International Buddhists; Lai Quach
	<b>Case File Number:</b>	CMDV13248
	<b>Planning Permits Required:</b>	Major Conditional Use Permit to modify and existing unmanned wireless telecommunication macro facility and Regular Design Review to install eight (8) new panel antennas and associated equipment. New roof top screen enclosures. . Minor Variance for antennas not meeting the 1:1 height to setback ratio. All new antennas and equipment will be fully screened from public view.
	<b>General Plan:</b>	Urban Residential
	<b>Zoning:</b>	RU-2 Urban Residential 2 Zone
	<b>Environmental Determination:</b>	Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures, 15301 existing facilities; 15183 Projects consistent with the General Plan or Zoning.
	<b>Historic Status:</b>	Not Potential Designated Historic Property (PDHP); Survey rating: F3
	<b>Service Delivery District:</b>	III
	<b>City Council District:</b>	2
	<b>Date Filed:</b>	8/28/13
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For Further Information:</b>	Contact case planner <b>Jose M. Herrera-Preza</b> at (510) 238-3808 or <a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a>

Staff Member Scott Miller gave a brief presentation.



Mr. Miller provided a copy of an alternate proposal showing 1 larger screening element instead of 4 smaller elements.

**Applicant:** Christian Hill answered questions asked by the Planning Commission.

Vice Chair Moore asked if the proposed screening is the minimum height to cover the top of the antennas or is it a projected view from the street.

**Applicant:** Mr. Hill responded stating that it is the minimum height in order to cover the top of the antennas.

**Planning Commission Questions, Comments and Concerns:**

Chair Pattillo and Vice Chair Moore stated that they prefer the single screening unit.

Vice Chair Moore further stated that the single unit draws less attention to it. He feels there is no point in articulating four different towers on top of one building, and the single unit seems to be more preferable. He would like for the conduit going upside the building to be as consolidated as possible.

**Applicant:** Mr. Hill stated that the single screen design is what was originally submitted. Per design review, they broke it up into four individual screen designs. They are willing to return to the original screen design to accommodate the cable trays and screening going upside the building.

Mr. Miller asked the applicant if there is a way to make the single unit 8 feet in height instead of 10 feet in height per the original single unit screening plan. He also recommended to the Planning Commission that it be included in the motion to place the height limit no higher than 8 feet.

**Applicant:** Mr. Hill responded stating that there was an issue of not having the one to one setback off of the front of the building in the original design. He will see if it is possible to make it 8 feet in height and maintain the one to one setback off of the front.

Commissioner Weinstein requested that staff provide some examples of well-designed and not so well designed telecommunication towers.

Mr. Miller responded stating that he will provide copies previous staff report and supporting photos in the near future.

Commissioner Coleman requested that staff provide a map of all of the telecommunication poles located in the City of Oakland.

Vice Chair Moore made a motion to approve with the amendment to the design change to single screen lowered 2 feet, seconded by Commissioner Coleman.

Action on the matter: Approved 6 ayes, 0 noes.



## PUBLIC HEARINGS

2. **Location:** 4690 Tompkins Avenue
- Assessor's Parcel Number:** 037 -2544-017-01
- Proposal:** At a 2-acre property (bound by Tompkins Ave, Wilkie St, and Fair Ave) containing a vacant senior facility (built c. 1930), one occupied duplex, seven occupied single family homes, other non-residential buildings, an internal through block driveway between facility and residences, open spaces, and trees:
- Split the lot along the internal driveway; convert the vacant senior facility into 40 condominium apartment units (for sale or rent by the owner), with façade and site changes including balconies and patios; demolish a building to create a surface parking lot on-site along Tompkins Ave; create additional parking stalls throughout the site; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications including on stairs on grade leading to Fair Ave. *Community meetings and a Design Review Committee meeting on June 26, 2013 have been held; suggested revisions have been incorporated and a traffic study has been submitted*
- Contact /** Kevin Skiles  
**Phone Number:** (415) 659-9409
- Owner:** 4690 Tompkins LLC
- Case File Numbers:** CMD13067 / TPM10191 / T1300012
- Planning Permits Required:** Major Conditional Use Permit to exceed 7 units on two lots in the RM-3 Zone on an existing site exceeding one acre;  
Minor Conditional Use Permits to construct a Multi Family Residential Facility in the RM-3 Zone; for lot split between existing buildings; for a shared access facility;  
Tentative Parcel Map to split one lot into two and establish 40 new apartment dwelling units as condominiums;  
Regular Design Review for construction of new dwelling units and for exterior architectural and site modifications;  
CEQA Class 32 Infill Development Project environmental review exemption;  
Tree Removal Permit to remove Protected Trees
- General Plan:** Mixed Housing Type Residential
- Zoning:** RM-3 Mixed Housing Type Residential Zone
- Environmental Determination:** Exempt, 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
- Historic Status:** Potential Designated Historic Property (PDHP);  
Survey rating: B+ (major importance)
- Service Delivery District:** 4
- City Council District:** 4
- Dates Filed:** February 20, 2013 / November 14, 2013 (TPM10191) \_\_\_\_\_

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<b>Action to be Taken:</b>	Decision based on staff report
<b>Finality of Decision:</b>	Appealable to City Council within 10 days
<b>For Further Information:</b>	Contact case planner <b>Aubrey Rose, AICP, Planner II</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a>

Staff Member Aubrey Rose gave a PowerPoint presentation.

Director Flynn gave additional historical information about this project site.

There were initially 130 patient rooms from 1968 through the 1990s. Staff was unable to locate the former operators, but they found a similar nursing home at Pill Hill which has 120 patient rooms, 152 employees with 50 at any 1 time, 2 to 6 paramedic vehicles per day and 1 to 2 deliveries per day, mostly box trucks.

Commissioner Weinstein asked, what are the average parking requirements for a nursing facility of this size.

Director Flynn and Mr. Rose responded stating that there is currently 40 parking spaces available spaces at the nursing facility at Pill Hill. Based on staff's analysis, this project site would require 60 parking spaces based on ratios and number of employees.

Commissioner Nagraj asked Director Flynn to repeat the above information on the amount of patient rooms, employees, paramedic vehicles per day and deliveries per day, in which she repeated this information.

Director Flynn gave additional information on one of many properties the former owner has which is a Single Resident Occupancy (SRO) that has 200 units. There were minimal code enforcement complaints pertaining to graffiti and heater repairs which the owners immediately addressed. This is not considered a high problem site.

Chair Pattillo asked if the number of units can be included in the envelope of the existing building or is the plan to raise the existing building and constructing new units.

Mr. Rose responded, given the lot size of 2 1/3 acres, the RM-3 zoning designation and the conditionally permitted density for that zoning, this is where 60 units hypothetically originated. He stated there are some corrections to the staff report. The existing large buildings are 47,000 square feet, not 63,000 square feet, the 2003 approval was approved by the Planning Commission and denied by City Council, the current building contains 116 units, not 94, and the side building along Tompkins Avenue, the House of Psalms was used for about 15 residents in the past.

Commissioner Weinstein asked why the City Council denied this project in 2003 and how the issues were resolved in this project proposal.

Mr. Rose responded stating that it was an entirely different project proposed in 2003. There were 27 units



proposed throughout the site, there were no exterior site improvements and there were 3 and 4 bedroom units proposed whereas this proposal includes one half being 1 bedroom units and the other half being 2 bedroom units. He isn't certain, but those factors may have led to the City Council's denial of the project in 2003.

Commissioner Weinstein stated, according to a letter the Planning Commission received, one of the reasons why it was denied in 2003 is that the paramedics were unable to move about the site or turn around. Has this been resolved in the current project proposal?

Mr. Rose responded stating that the Fire Bureau reviewed the plans and conditions were made that hydrants and sprinklers be placed throughout the site.

Commissioner Nagraj asked for an explanation as to why this site would qualify for CEQA exemption.

Mr. Rose responded stating that it meets all 5 criteria for in-fill exemption which are: proposal conforms to the general plan and zoning, the site is within the city limits and is less than 5 acres, project site has no value as habitat for endangered, rare or threatened species, approval of the project would not result in any significant affects related to traffic, noise, air quality or water quality and the site can adequately be served by all required utilities and public services.

Vice Chair Moore stated that since the parcels are being split down the center drive and one of the conditions is for a maintenance plan for the shared access facility and a landscape plan for the rest of the property. Will this require two separate plans? He asked for clarification on who denied the appeal in 2003, Planning Commission or City Council.

Mr. Rose responded the condition would apply to each resultant parcel which will share the existing driveway. He will inquire to the Building Division who processes the final map to find out how this will be attached.

The Planning Commission initially approved this project and it was appealed to the City Council where it was denied.

Chair Pattillo asked how did the pedestrian path connection from Fair to the project site location become part of the plan when it wasn't in June 2013.

Mr. Rose responded stating that after the parking study results and the applicant's decision to subdivide, they thought it would be beneficial to the project.

**Applicants:** Kevin Skiles and Paul McElway gave a PowerPoint presentation. Sherrie Vandoorn addressed questions asked about landscaping concerns.

Commissioner Coleman asked if the parking spaces are designated to the unit owners or is it first come, first served.

Mr. Skiles responded stating yes, each unit owner will be assigned parking spaces closest to their unit.



The code is one parking space per dwelling unit. This appeals to young professionals who usually don't own a vehicle, but instead utilize bike ridership, car sharing or public transportation for their traveling needs.

Commissioner Weinstein Mr. Skiles if he, as a developer, has experience with building senior living or senior housing facilities.

Is there any parking spaces provided on site for a car share program.

Mr. Skiles responded stating, no, he doesn't have experience with building senior living or senior housing facilities.

They may have flexibility to designate some parking spaces for a car sharing program in the future.

Commissioner Coleman asked if there is guest parking available on site or will they have to park on the street.

Mr. Skiles responded, yes, there will be flexible parking for both guests and car sharing.

Vice Chair Moore asked what design changes were made to the patios and decks since the Design Review Committee meeting (DRC), and this meeting.

Mr. McElway stated that there were privacy concerns. The primary change is that the depths of the upper floor balconies were reduced.

Chair Pattillo asked the architect, what the average square feet sizes are for the one and two bedroom units. Will the large deodar cedar tree at the corner of Tompkins Avenue and Wilkie Street be saved? It's not clear in the drawings if it is or isn't. Will the taxus baccata tree at the corner of the building on Tompkins Avenue also be saved?

Mr. McElway responded stating that the one bedroom is 600 square feet and the two bedrooms are 800 square feet.

Ms. Vandoorn stated that they will attempt to save the cedar tree, but there is no guarantee that it will be saved. The taxus baccata may be saved once an Arborist determines that it can be saved.

Mr. Rose provided additional information regarding street widths. The street widths are as follows: Buell Street which connects to MacArthur Boulevard is 28 feet, Tompkins Avenue is 32 feet, Wilkie Street is 26 feet and Fair Avenue is 30 feet. By regulations, Paramedics and Fire vehicles cannot exceed 8 feet in width.

Chair Pattillo asked how does this compare to the average street width in the City Of Oakland.

Mr. Rose stated that he doesn't currently have that information.



**Speakers:** Gabriel Reynoso, Ben Lau, Alice Schneider, Marc Roth, Jo Scullion, Guillermo Durgin, Michael Turkull, Paul Holt, Michael Jackson, Karl Drlica, Leila Moncharsh, Esther Fong, Kim Luqman, Susan Biglovsky, Ilene Wagner, Russell Lee, Barbara Lanier, Benito Delgado-Olson, Joyce Carlson, Gabriel Reynoso.

Chair Pattillo asked public speaker, Karl Drlica if the residents on Wilkie Street ever requested that one side be painted red to allow parking only on one side of the street.

Mr. Drlica stated that the resident's on Wilkie Street already avoid parking on one side of the street to avoid their vehicles from being hit by other passing vehicles.

Public Speaker, Benito Delgado-Olson asked for staff to explain, when feasible, what the threshold for a traffic study is.

### **Planning Commission Questions, Comments and Concerns:**

Commissioner Nagraj thanked everyone for attending tonight's meeting. He sympathizes with the neighbor's concerns, but the Planning Commission cannot direct a developer to build a certain development that the neighbors feel is needed in the neighborhood. He currently is employed with a company that provides affordable housing and he is a former Housing Authority Commissioner so, he knows firsthand that there is very little financing for affordable housing due to the current Federal Budget situation. He does agree that there will be traffic and parking impacts based on the number of parking spaces provided per unit and there will be more street parking. He doesn't feel that every project should be halted due to traffic and parking impacts or there wouldn't be very much development in Oakland. The neighbor's concerns have been heard.

Commissioner Bonilla stated that he has mixed feelings about this project and is also a renter in the City of Oakland. He understands the attachment to a neighborhood and how the neighbors feel about this project being built and the main concern seems to be traffic and parking impacts. Crime is also an issue and he understands the importance of safety, being a victim of burglary himself. He believes he heard one of the public speakers state that more parking spaces provided may mitigate some of the traffic and parking impacts.

Commissioner Weinstein stated that she understands how much they love their neighborhood, but the Planning Commission evaluates various aspects of a project. She heard concerns about the number of units, but very few comments about the design, which leads her to believe the neighbors are fine with the current design. They also review the impact of the land use, in which the type of use and the desire for senior housing to be built there seems to be a major concern. The Planning Commission cannot require a developer to build a type of housing that they aren't experienced with. She also works for an affordable housing developer and one of the last things the neighbors want is an inexperienced developer to develop affordable housing without the proper knowledge, tools and resources. She agrees that more affordable and senior housing is much needed in Oakland and isn't aware of any quick and easy financing mechanism to fund such projects. If the building was something a developer could've made money on, it





would not have remained vacant for the past few years. Whether it's vacant or used for housing, other developers haven't shown interest in this site as a feasible project. The Planning Commission is to evaluate the project proposal only. Having this vacant building in the neighborhood is one of the reasons for the increase in crime. Activating this space and bringing more residents in the neighborhood will increase safety and reduce crime. She heard concerns that 40 units may be too many for that site and concerns about the type of people who will live in those units, which raises concerns for her because now they are choosing the type of people they want to live in the neighborhood. When the discussion is about the desire to have a senior care facility versus mobile seniors, renters versus owners and financially stable seniors versus seniors with low incomes it sounds like discrimination, which may not be intentional, but she didn't appreciate it. The obvious concern is the traffic and parking impacts. She has made several visits to this site and agrees that Wilkie Street is very narrow and should to be taken into consideration along with mitigation measures.

Commissioner Coleman noted that he didn't hear any objections to the design of the building. The concerns raised tonight seemed to be split between stating that the neighborhood is very nice to concerns about crime, which are not compatible. He reiterated that the Planning Commission is not able to address the safety concerns, but asks how additional residents will add to safety. He referenced a book written by Jane Jacobs called "The Death and Life of Great American Cities" which demonstrated in New York, that having additional residents in the neighborhood actually brought about safety. This means that there are more residents working, living, shopping and watching the neighborhood. The predicament of having senior housing at this location is the lack of accessibility to public transit, stores, etc. which may result in some having to drive their vehicles to their destinations. He understands the concerns about crime and traffic impacts, but the Planning Commission is unable to address those issues, only the project proposal presented before them. He is concerned that the condominiums that are sold, the owner may rent it out to someone else which may cause on going rotation in the number of residents in that unit, with no way of addressing this issue. As Commissioner Nagraj stated, the Planning Commission cannot regulate the developer to build senior housing, even if the neighbors feel it is truly necessary.

Vice Chair Moore stated that he is familiar with this neighborhood and the surrounding area and agrees that it is a wonderful neighborhood. He understands the concerns that the neighbors are not pleased with this type of development coming to their neighborhood, but the building already exists and he is pleased with this project proposal, and feels it is a sensible reuse of the building. He likes the fact that this site may be potentially designated as historical property and the proposed improvements respect that and enhances the potential of it actually being designated as historical property. He is concerned about the storm water management which is covered in the conditions of approval, but should be reviewed. He realizes that parking and traffic impacts are a major concern and the parking spaces versus number of units doesn't seem to be enough, and given the fact that this neighborhood is not near public transit or the Laurel shopping district, this could be challenging. He agrees that adding car share parking spaces is a great idea. He stated that he utilizes the City Car Share program which is very effective, and recommends there be two designated car share parking spaces onsite and off street which may be a solution to some of the parking concerns. A condition in the conditions of approval that should be applied is "crime prevention through environmental design", which should be addressed if this project is approved and suggests the developer involve the neighbors to be a part of that process.



Chair Pattillo stated that the Planning Commission is doing their very best to listen, take all comments into consideration, be creative and responsive to their concerns.

Chair Pattillo asked the following questions:

- She asked if the internal driveway will be regraded to lessen the confusion and perhaps make it a one way driveway. Will the driveway at Fair Avenue be included in the regarding?
- She would like the applicants to address the safety hazard concern pertaining to a wall that was mentioned during the public comment period.
- Why were you uninterested in pursuing the “Mills Act” during this process? This would be a beneficial tax credit.
- What is the threshold for a traffic study?
- Is the storm water management addressed in the conditions of approval?
- Could the Planning Commission impose a condition to restrict parking to one side of on Wilkie Street.

Mr. Skiles, Mr. McElway and Mr. Rose gave the following responses to Chair Pattillo’s questions:

- Mr. McElway responded stating yes, there will be some regrading for the additional parking stalls and a retaining wall and speed bump will be added, this also includes the driveway at Fair Avenue. There is only so much regarding that can be done with buildings being so close to the site.
- Mr. Skiles responded stating that there is a steep grade separation on the sidewalk on Fair Avenue. It’s in the area where they are proposing a new pedestrian connection, which will be regraded and re-landscaped.
- Mr. Skiles responded stating that they will pursue the “Mills Act” and agrees it is a beneficial tax credit.



- Mr. Rose responded stating that the threshold under the City of Oakland environmental review requirements is 50 trips per hour, 1 unit per ITE traffic engineering manual calculation is less than 1 trip per unit. The entire project will not exceed the threshold of 50 trips per hour.
- Mr. Miller clarified that it is 50 trips per peak hour.
- Mr. Rose responded stating yes, the storm water management is addressed in the standard conditions of approval.
- In order to answer Chair Pattillo's question concerning one side parking on Wilkie Street, staff would first inquire to the Public Works Agency (PWA) to see if it is possible for parking to be restricted to one side of Wilkie Street.

Chair Pattillo would like the following conditions to be considered in the motion:

- Explore the feasibility of designating two car share spaces.
- Staff will inquire to the Public Works Agency (PWA) about having parking allowed on only one side of Wilkie Street.
- Confirmation that every attempt will be made to save the deodar cedar tree on Wilkie Street and Tompkins Avenue, the taxus baccata tree and the eucalyptus tree at the corner of Wilkie Street. This is in addition to the eight that were already saved per her request.

Commissioner Weinstein asked Mr. Skiles to address the parking options.

Mr. Skiles stated that they've explored various options on how to improve the parking situation. They are currently looking at the possibility of digging further back into the garages to make them tandem parking or make them deep enough to fit two smaller vehicles. He is more than willing to explore that option if it is included as a condition to create more parking spaces.

Vice Chair Moore asked if they've approached City Car Share, Zip Car or any other car share programs and what is their experience with working with these types of programs.

Mr. Skiles responded stating, not yet. They will be exploring the car share program soon and providing up to 4 designated parking spaces for that purpose. They have explored the car share programs in San Francisco at their Larkin Street property.

Commissioner Bonilla stated that he lives in an area where car sharing is very popular and is utilized by his wife and many others more often than before. He supports and encourages increasing the number of parking spaces for car share vehicles.

Commissioner Weinstein added some conditions to explore increasing tandem garage parking as well as



lifts in the garage by digging deeper into the foundation.

Mr. Miller clarified that all four conditions should state, "best efforts" shall be explored.

Commissioner Nagraj made a motion to approve including adding the conditions of approval recommended by both Chair Pattillo and Commissioner Weinstein, seconded by Commissioner Bonilla.

Action on the matter: Approved 6 ayes, 0 noes.

**Approval of Minutes**

Approval of the December 18, 2013 Planning Commission Meeting Minutes.

Commissioner Coleman made a motion to approve, seconded by Commissioner Bonilla.

Action on the matter: Approved 6 ayes, 0 noes.

**ADJOURNMENT**

Meeting adjourned at approximately 8:50 P.M.

**SCOTT MILLER**  
**Zoning Manager**  
**Planning and Zoning Division**

**NEXT MEETING:** February 5, 2014