



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

May 7, 2014
Regular Meeting

ROLL CALL

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

Staff: Darin Ranelletti, Scott Miller, Jose Herrera-Preza, Aubrey Rose, Alicia Parker, Edward Manasse, Celena Chen, Cheryl Dunaway.

WELCOME BY THE CHAIR

Agenda Discussion

Mr. Miller announced there was a revised agenda went out late last week removing item #3. That item will be heard at the May 21, 2014 Planning Commission Meeting. Items # 1, 2, 4, 5,6, and 7 will be heard at tonight's meeting.


Director's Report

Deputy Director, Darin Ranelletti gave a report on the various projects in progress. Development project in progress are: Brooklyn Basin which will begin construction soon and the Jack London Square which will be heard on May 21, 2014. Long range planning on various Specific Plans are: Broadway Valdez, West Oakland, Lake Merritt and the Coliseum Area Plan which will soon be brought before the Planning Commission for final adoption.

Chair Pattillo asked how the Planning Commission will be involved in reviewing the Brooklyn Basin Plans.

Mr. Ranelletti explained that the Brooklyn Basin project has already gone through the review and approval process.

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.



The initial Master Plan was approved during that process. There will be further follow up reviews of the individual development sites as they go through the design review process.

Commission Matters

Mr. Miller announced the newest Planning Commissioner, Jahmese Myres has been appointed to the Planning Commission. Commissioner Bonilla introduced Jahmese Myres and also announced Chair Pattillo's reappointment to the Planning Commission to serve an additional 3 year term. Mr. Miller announced a Special Planning Commission Meeting will be held on June 11, 2014 to review the West Oakland Specific Plan originally scheduled for review at the June 4, 2014 Planning Commission meeting. He will send a confirmation email along with a revised Planning Commission Meeting schedule tomorrow.

PUBLIC HEARINGS

1.	Location:	2021 Broadway (APN: 008-0649-006-00)
		To allow for a new Alcoholic Beverage Sales Activity "The Port" in a 1,800 square foot ground floor commercial space in the Uptown Area of the Central Business District.
	Proposal:	
	Applicant:	Shine Properties LLC
Contact Person/ Phone Number:		Sean Sullivan (510) 282-2209
	Owner:	Phil Leong / Alameda BayFarm Investment, LLC
	Case File Number:	PLN14058
Planning Permits Required:		Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity; Findings of Public Convenience or Necessity in an over concentrated area
	General Plan:	Central Business District
	Zoning:	CBD-P Central Business District Pedestrian Zone
Environmental Determination:		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.
	Historic Status:	Designated Historic Property (DHP); Survey rating: B+1+
	Service Delivery District:	Metro
	City Council District:	3
	Date Filed:	03/13/14
	Finality of Decision:	Appealable to City Council within 10 days
For Further Information:		Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

Staff Member Jose Herrera-Preza gave a presentation.



Chair Pattillo asked the following three questions:

- Could you provide boundaries of the entertainment district?
- What is the target number of how many bars and entertainment venues staff expects to have?
- On item#2, the applicant is required to have a 6 month compliance review, but this item doesn't have that requirement. What triggers a compliance review and why isn't this item required to have one?

Mr. Miller responded stating that the boundaries for the Downtown Entertainment District are 27th Street on the north, 980 Freeway, Lake Merritt and Jack London Square.

The City of Oakland ordinance doesn't identify a cap on the number of bars and entertainment venues. The downtown core generally doesn't have compliance reviews due to the entertainment overlay status, but outside of the downtown core does.

Commissioner Weinstein asked if there can be consistency with the information provided in the staff report. The most common questions asked for this type of application is: Number of staff provided, square footage of the facility, maximum capacity, security provided, parking and hours of business. The questions seem to be presented differently in individual applications for bars and entertainment venues.

Mr. Miller stated that staff will improve on the consistency as it relates to applications for bars and entertainment venues.

Applicant: Sean Sullivan gave a presentation.

Speakers: Jeff Myers, Thomas Bellino, Edward Graves, Daniel Franco, Jonathan Bair, Fred Rogers, Michael Lithy, Daniel Schulman, Chaney Turner, Warren Logan, Christine De La Rosa, Max Allstadt.

Planning Commission Questions, Comments and Concerns:

The Planning Commission expressed that this is a much needed business and is excited to have it in this area, and how it will be a great service to the city; There is a concern about the distance between the front and rear exits and would like the rear exit moved farther away from the front exit. This is a very good use for this area and looking forward to visiting the venue soon; The exposure to the art deco will be beautiful and will fit in with the other businesses with art deco in the area; Really appreciate the clarity in the staff report with the modifications to the conditions pertaining to the number of staff and security and at least one security personnel will remain on the premises for at least 30 minutes after the close of business. With the initial capital investments and ongoing operations, there is confidence that this will be a safe and productive entertaining use in that district. Overall, this is a great project and looking forward to opening night.

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

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



2.	Location:	376 Grand Avenue (APN: 010 -0776-009-00)
	Proposal:	To establish a wine shop (with instructional tastings and bottle sales including beer), limited food sales, and a 10:00 pm closing time ("The Bay Grape") in a former beauty salon. <i>The Neighborhood Crime Prevention Council has reviewed the proposal.</i>
	Applicant:	Ms. Stevie Stacionis
	Phone Number:	(213) 840-6323
	Owner:	Mr. Hong
	Case File Number:	PLN14034
	Planning Permits Required:	Major Conditional Use Permit for Alcoholic Beverage Sales Commercial Activity; Variances for alcohol sales within 1,000 feet of an existing outlet and civic uses Findings of Public Convenience or Necessity in an over concentrated area
	General Plan:	Neighborhood Center Mixed Use CN-2 Neighborhood Center Commercial Zone/ S-12 Residential Parking Combining Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non historic property
	Service Delivery District:	3
	City Council District:	3
	Date Filed:	March 6, 2014
	Action to be Taken:	Based on staff report
	Finality of Decision:	Appealable to City Council within 10 calendar days
	For Further Information:	Contact case planner Aubrey Rose AICP, Planner II at (510) 238-2071 or arose@oaklandnet.com

Staff Member Aubrey Rose gave a presentation.

Applicant: Stevie Stacionis and Josiah Baldevino gave a presentation.

Chair Pattillo asked if they plan on changing the exterior of the facade, if so, what changes will be made.

Josiah responded stating that they've already removed the awning and plan to do a thorough cleaning, painting, install lighting in the front and side of the facade and install new windows to the storefront.

Commissioner Coleman asked what a type 20 license is.

Ms. Stacionis responded stating that a type 20 license is for off sale beer and wine only which doesn't allow consumption on the premises. A type 42 license is for on and off sale beer and wine which you may consume it on the premises or take the bottles with you.

Speakers: Kimberly Hughes, Alex Finberg, Chris Deegon.

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

Chair Pattillo stated that she doesn't recall ever seeing condition #12 D – Neighborhood Complaints. She stated that it's a great condition and should be included in most of the applications brought before the Planning Commission.

Mr. Rose explained that this condition isn't used very often, but was used in a few restricted street restaurant projects.

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

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

PLEASE NOTE: ITEM NO. 3, BELOW, IS REMOVED FROM THIS AGENDA.

3.	Location:	Jack London Square Development Project: Generally, south of Embarcadero between Clay and Alice Streets; Specifically proposed development sites: Sites D at Broadway and F2 at Harrison Street (south of Embarcadero).
	Proposal:	Amendment #1 to adopted PUD to include three residential options each for Sites D and F2 and to eliminate office cap.
	Applicant:	Ellis Partners, Matt Weber: (415) 391-9800
	Owner:	JLSV Land, LLC
	Case File No:	ER030004, PUD13170 and DA13171
	Planning Permits Required:	Amendment to the Development Agreement, General Plan Amendment, Revision to PUD, Design Review, Minor variances for loading and open space conventions; compliance with CEQA.
	General Plan:	Site D=Retail, Dining and Entertainment-1; and Site F2=Waterfront Commercial Recreation-1.
	Zoning:	C-45 Community Shopping Commercial Zone
	Environmental Determination:	Final EIR certified on March 17, 2004 by the Planning Commission; Addendum to be published 17 days prior to Planning Commission hearing.
	Historic Status:	None for affected sites.
	Service Delivery District:	1—Downtown/West Oakland/Harbor
	City Council District:	3—Lynette Gibson McElhaney
	Action to be Taken:	Recommendation to City Council regarding all required permits and 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



4.	Location:	Citywide
	Proposal:	Recommendation to the City Council to adopt amendments to the City's Planning Code for a proposed new Reasonable Accommodations Ordinance.
	Applicant:	City Planning Commission
	Case File Number:	ZT14006
	Planning Permits Required:	Oakland Planning Code Amendment
	General Plan:	All General Plan Categories
	Zoning:	All Zoning Categories
	Environmental Determination:	The proposed Reasonable Accommodations Ordinance would be an amendment to the Oakland Planning Code and relies on the previously certified 2007-2014 Housing Element Final EIR (2010)
	Service Delivery District:	All
	City Council District:	All
	Status:	A meeting of the City Planning Commission Zoning Update Committee was held on January 22, 2014. The item was continued at the February 19, 2014, and March 19, 2014, Planning Commission meetings. The item was heard at the April 2, 2014 Planning Commission meeting where the item was continued to the May 7, 2014, Planning Commission meeting.
	Action to be Taken:	Discuss and make recommendation to the City Council
	Finality of Decision:	Recommendation to City Council
	For Further Information:	Contact case planner Alicia Parker at (510) 238-3362, aparker@oaklandnet.com

Staff Member Alicia Parker gave a presentation.

Vice Chair Moore asked if any notices were sent to the residents in the area.

Alicia responded, no notices were sent out, but newspaper notice was given.

Speaker: Fred Nisen, Kim Swain.

Chair Pattillo thanked both speakers for attending the previous hearing and informing them of some discrepancies and working with staff to improve the ordinance and resolve those issues.

Commissioner Coleman made a motion to approve a recommendation to the City Council, seconded by Commissioner Bonilla.

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



5.	Location:	Citywide
	Proposal:	General Plan Amendment: <i>2015-2023 Housing Element</i>
	Applicant:	City Planning Commission
	Case File Number:	GP14001
	Planning Permits Required:	General Plan Amendment
	General Plan:	All General Plan Categories
	Zoning:	All Zoning Categories
	Environmental Determination:	CEQA analysis underway
	Service Delivery District:	All
	City Council District:	All
	Status:	An informational item on the preparation of the <i>2015-2023 Housing Element</i> was brought to the February 19, 2014, Planning Commission meeting.
	Action to be Taken:	Provide feedback on the draft <i>2015-2023 Housing Element</i>
	Finality of Decision:	Direct staff to return with Final Draft 2015-2023 Housing Element
	For Further Information:	Contact case planner Alicia Parker at (510) 238-3362, aparker@oaklandnet.com

Staff Member Maryann Sargent from the Housing and Community Development Department gave a PowerPoint presentation.

Speaker: Paul Campos.

Planning Commission asked the following questions:

The Planning Commission would like for the priority areas to be clearly clarified on how they relate to the Specific Plans. It's unclear if the incentive zoning and impact fees are only for specific Priority Development Areas (PDA) or will they be implemented with the specific plans; With some of the upcoming finalization of specific plans; the most common issues are public benefits and impact fees and it's not clear on which is driving which; The previous Housing Element priorities were focused around the transit corridors and the Downtown core, but now the priority is around the priority development areas; Does this take away some of the prioritization of being around transit corridors? The chart included in the staff report showed construction cost for 2014, but prefers to see the construction costs over time and the same for City subsidy provided per unit, which shows the different levels of affordable housing and development costs; The headers on the report have the incorrect dates on them; Would like for developers and investors included in the outreach effort and provide results of those conversations; There was little to no mention of the importance of jobs and would like to know how this project fits into that or not. Goal #8 on page 48 pertains to the availability to the public through a software program called Accela. Is the public access to Accela free of charge and how would this work?

The Planning Commission would like to see the micro living units revisited and a status update given; Very pleased with the direction this is going in terms of the policy to streamline the Environmental Review process; The Housing incentive zoning is great and it encourages development through density bonus and height bonus, creating the benefit to provide affordable and senior housing and should be robustly represented; A transportation impact fee makes more sense than a development impact fee simply, because developments actually invest in transportation improvements that sometimes don't make sense, but that investment is captured as the projects are built, which is more feasible to have an impact



fee that is spent as the needs are identified; Not in favor of Affordable Housing impact fees which may act as a barrier to development. Pleased to have the soil remediation effort included in the plan and made reference that the City of Oakland may provide the funding for it. The current permit fees seem significant, but either way, this should be carefully done; A survey of development shows there isn't enough developing done in Oakland due to high crime levels or the perception of crime and the state of the schools which can be barriers of development, more so parking ratios or long permit process; Jobs and housing balance where other cities have a large amount of residential development, then later attempt to correct it by stopping all residential development in an attempt to attract more business and sales tax revenue, which seems to violently disrupt the market; We don't want this same situation in Oakland so, by having residential in context with of the commercial development is helpful.

A comparison of impact fees should be done with the surrounding cities in the area in order to remain competitive with today's market and retain our investments; A lot of opportunity sites are in areas that are low zoning and density, which is hard to imagine a large multi-family rental or condominium development being built especially, in some of the eastern locations in Oakland; It would be helpful to identify the zones that can take greater intensity such as, road or transit infrastructure or available land where areas handle larger scale developments; On page 119 - Overcrowding of units, not enough information on that topic and would like more research to be done. Doesn't see a financing mechanism to create moderate income housing, but there is a goal to develop 1,000 additional moderate income units. It's hard to imagine them being built due to the increments structure between 80 and 20% area median income (AMI) won't yield the rents needed and you won't be able to leverage tax credits or receive property tax exemptions for anything over 80 % area median income. We can aspire to achieve this goal, but be aware that it will be difficult to do so.

The Planning Commission notes that the boomerang funds were surprisingly high which may decrease as the redevelopment areas phase out and those funds are returned to the State of California; The goals on page 228 mentions land use transportation, focus on priority development areas, specific plans, sustainable development and affordable housing strategies; Suggest adding "market rate strategies" to the list of goals; The goals regarding a Oakland preference policy 2.11, challenging with fair housing laws to restrict housing to Oakland residents unless it's solely funded by the City of Oakland; Until that is able to be fulfilled, would be cautiously optimistic due to the restrictions; Commend staff for bringing demographic clarity; The West Oakland Specific Plan meeting that occurred a few months ago was born from this project which showed a 22% decline in 2010 of the African American population that created a lot of backlash. It is the hope that some of the number can be mitigated and replaced with true affordable housing.

Pertaining to commercial, Economic Workforce Development staff members, Keira Williams and Aliza Gallo spent a lot of time organizing communication through the Chamber and directly to developers; The former Redevelopment Agency provided contacts and an organized list of City owned properties; They were involved with ICSC and developed tours of various Oakland neighborhoods for developers and real estate investors to visit commercial properties; This was a significant and productive outreach and would be great to create something like this for Housing.

On page 8, table 4.2 - actual housing production for January to March 2014; the subtotals in one quarter were added up and the total is nearly 8,000 units, which seems quite remarkable; according to the study previously conducted, the big picture takeaway was for City owned land, even if it's dedicated to a private



developer, there's no guarantee that developer will generate enough rent revenue to offset construction costs; How would this project relate to that project?

Staff gave the following responses:

Ms. Parker responded stating that the Specific Plans were designed to implement the Priority Development Areas (PDA). Currently there are planned priority development areas, once the Specific Plans are implemented, they will apply for the designation of priority development areas which will make it more official to where it could receive grant funding that is enabled when a development is in a priority development area. With respect to changing the focus of the Housing Development from transit corridors to priority development areas, the majority of the corridors are in priority development areas which is a nice fit and makes it an extra layer of coordination.

Ms. Parker responded stating that Accela is our new Permit Tracking System (PTS) and is intended to be available to the public free of charge through the City Of Oakland website, oaklandnet.com.

Ms. Sargent responded stating that the former redevelopment assets will be sold and those funds retrieved by the City of Oakland. There are the boomerang funds which is the tax increment that is retrieved by the State of California and redistributed. She doesn't think the boomerang funds will decrease, but in fact it may increase as redevelopment winds down and the various obligations that redevelopment areas had decreased over time as they pay off bonds and debts.

Ms. Parker responded that although it's common for a designated email address to be listed on the agenda and staff reports, most of the responses have been sent directly to hers and Ms. Sargent's email addresses.

Commissioner Nagraj responded to the question regarding outreach to developers. A formal process usually consists of trade industries reaching out to the Jobs Housing Coalition, various Business Chambers, coalitions and larger well known developers. An informal process usually is to reach out to the 10 usual businesses that currently have large projects in Oakland and ask them general questions such as: Why did they choose to invest at this time, why you've entitled a project, but haven't built it yet and why are you active in other cities but you don't invest in Oakland. The most effective way to proceed with the outreach is to have one on one discussions with developers to allow privacy and to speak candidly.

Ms. Sargent, Ms. Parker and Mr. Miller explained that Group 1 is actually completed. Groups 2 through 4 have approvals or have predevelopment or inner site acquisition programs which are known quantities, but not actual completions. The January to March 2014 timeframe is for Group 1 only. The planned and approved projects had extensions granted during that period. There are that many projects that are entitled and are active, at least until the end of 2014. Commissioner Weinstein added that the one quarter is only for Group 1, Groups 2 and 3 are currently pending. That's correct, there were a slew of projects extended, but not in that particular period of time so, they weren't included, and the assumption is that credit was received for them during the previous housing element period.

Ms. Parker responded stating that Planner Devan Reiff may've given a status update at a previous Planning Commission meeting on the results of the study, and it may be incorporated in one of the Specific Plans.



Mr. Manasse further explained that this will be brought before the Community and Economic Development Committee (CED) within the next 4 to 6 weeks either at the end of May or mid-June. A considerable amount has changed within this past year from the time the report was initially written, showing that the market is extremely close in downtown Oakland towards many of the sectors that were studied.

No vote required on this item. Planning Commission comments and recommendations will be forwarded to the City Council.

6.	Location:	Citywide
	Proposal:	Recommendation to the City Council to adopt amendments to the City's Planning Code to permit emergency homeless shelters by-right in locations recommended in this staff report, to comply with California State Law Senate Bill 2 (SB 2).
	Applicant:	City Planning Commission
	Case File Number:	ZT13336
	Planning Permits Required:	Oakland Planning Code Amendment
	General Plan:	Mixed Housing Type Residential, Neighborhood Center Mixed Use, Institutional, Community Commercial, Urban Residential, General Industrial, Housing and Business Mix, Estuary Policy Plan (Light Industry 1)
	Zoning:	RU-3, RM-2, CN-3, S-1, CC-2, CN-3, RU-5, CC-3, I-G, CIX-1, M-30, C-40, S-15, CIX-2, OS (PMP), HBX-2, RU-4, RU-5, CN-1, CN-2
	Environmental Determination:	The proposed emergency shelter location and development standards would be an amendment to the Oakland Planning Code and relies on the previously certified 2007-2014 Housing Element Final EIR (2010)
	Service Delivery District:	1, 2, 3, 4, 5
	City Council District:	1, 2, 3, 4, 5, 6
	Status:	A meeting of the City Planning Commission Zoning Update Committee was held on December 11, 2013.
	Action to be Taken:	Discuss and make recommendation to the City Council
	Finality of Decision:	Recommendation to City Council
	For Further Information:	Contact case planner Alicia Parker at (510) 238-3362, aparker@oaklandnet.com

Staff Member Alicia Parker gave a PowerPoint presentation.

Planning Commission Questions, Comments and Concerns:

There is very little understanding about the 6 or fewer units, 7 or more residents chart, and that needs to be clarified. Why is there a shelter being proposed on Coliseum Way, which is a part of the Specific Plan? Is it necessary to include a condition to prevent over saturation of emergency homeless shelters? Since 300 square feet isn't very far away, nothing would prevent other shelters from opening nearby. There are some areas such as International Boulevard that are currently over saturated with emergency homeless shelters. Feels this is a wonderful and noble direction to go in and it states in the plan that the way to end homelessness is to provide them with permanent housing. Oakland, the Bay Area and soon the state may become the mecca for homelessness. It's difficult to see Oakland's homelessness situation being resolved with permanent housing because the more housing you build, the more homeless people will come.



The surrounding cities also need to address their homelessness issues as well before Oakland can resolve this issue. It's very bothersome on how to solve this problem. Underlying zoning still applies to some degree, if this were in the Central Business District this facility wouldn't be allowed on the ground floor, but it sounds like other basic projects that would normally be reviewed by the Design Review Committee is being reviewed at the staff's level or is there still a mechanism for some of the basic projects to be reviewed such as, the use classification?

Are the characteristics of a domestic violence women's shelter different from a traditional emergency shelter and would it impact the type of neighborhood they should be located in? The ability of the City of Oakland to have ongoing standards and long term operations would be very good. In discussions with other surrounding cities, they feel that they are taking on homeless people from all over. Even the best professional operations suffer from long term operating deficits and the ongoing subsidies can decline over time. They noticed that the 8 districts shown in the plan differ, particularly on the Western side of Oakland. Districts 1, 2, 3 and 4 have quick access to downtown and major corridors. District 5, although it's close to downtown is more isolated south of Interstate 980. District 6 perhaps being in the Fruitvale area offers more access to services and more amenities, but districts 7 and 8 seem more isolated. It's difficult to verbalize or quantify the definition of over saturation, but it's a worthy endeavor to attempt to draft some language. Maybe one way to define over saturation is, for example: districts 1, 2, 3 and 4 are relatively close together, if there were 3 new shelters in district 4 and none in 1, 2 and 3, this may be an element of over saturation. The overriding objective is they are distributed throughout the City to a lesser extent. Fortunately, all but district 8, are relatively the same size in square footage so, districts 1 through 7 could more or less accommodate the same number of facilities. Recommends that staff adds language about addressing the potential of over saturation in any one area and misbalance in distribution be included in the motion.

Mr. Miller explained that the motion would be termed as concerns about not having number limits per segment and what defines a saturation level.

Staff gave the following responses:

Ms. Parker directed the Planning Commission to page 13 of the staff report to clarify the 6 or fewer units inquiry. It's related to transitional and supportive housing, which is the basic premise of the requirement in SB2 for addressing transitional and supportive housing. Currently, there are definitions for permanent residential activities, residential care, service enriched permanent residential housing activities and transitional housing. In these instances, transitional housing qualifies as requiring some type of conditional use permit or other discretionary action when it's 7 or more residents. Otherwise, it's considered permanent residential activity and is required by State law.

Ms. Parker responded stating that the #8 location was chosen due to it having large floor plate buildings, but it's not exactly located in the Coliseum Specific Plan area, it's adjacent to it. It was a matter of even distribution throughout the City, it's relatively close to transit, but not very close to parks and schools.

Ms. Parker stated that the 300 feet radius does minimize over saturation of the same type of business being built to close together. She suggested that the language could be changed to address the possibility of over saturation in addition to the 300 foot radius as it's done in other cities. The funding environment makes this process extraordinarily difficult to open an emergency homeless shelter.



Mr. Miller informed the Planning Commission that they could make this a recommendation to the City Council and staff will review this to see if they can resolve this issue.

Ms. Parker stated that saturation is somewhat subjective, but if it can be defined it would be very helpful.

Ms. Parker responded to the homelessness concerns stating that they tried to distribute the locations where shelters are permitted and added new locations to the northern part of Oakland and above Interstate 580 to attempt equal distribution. Most cities are facing SB2 and should be addressed.

Ms. Parker responded stating that it would be a permitted activity with the option of applying certain development standards. Staff has limited design review and regulating authority with these shelters.

Ms. Parker responded stating that they've identified numerous citywide locations near social services, commercial uses and schools which should address the different characteristics.

Commissioner Nagraj made a motion for a recommendation to the City Council subject to staff researching and providing additional recommendations on limits to the number of shelters per segment, seconded by Vice Chair Moore.

Action on the matter: Recommendation approved 6 ayes, 0 noes.

**APPEALS**

7.	Location: 5610 Broadway (APN: 048A-7042-004-00) 5616 Broadway (APN: 048A-7042-005-00) (location of addition and variances) 5633 Manila Avenue (APN: 048A-7041-002-00) (03/16/09)
Proposal:	To modify an existing 1,309 sq. ft. single-family residence with a garage by raising it and creating a 1,558 sq. ft. story underneath to a total of 25' 9" in height and converting the building for a Montessori preschool thereby increasing maximum enrollment by 55 children for the three-parcel campus to a total of 187 children. Parking will be provided at the 5633 Manila Avenue property and 5 new parking spaces will be added through tandem parking.
Applicant/Phone Number:	Viet Truong, Kahn Design (510) 841-3555
Owner:	Diana and Isidro Ovalle, Trustees
Case File Number:	CDV09-044/A12-150
Planning Permits Required:	Appeal of a Minor Conditional Use Permit to allow the expansion of a Community Education Civic Activity and allow tandem parking, Design Review for exterior alterations, Variance for rear (4' where 15' is required) setback.
General Plan:	Detached Unit Residential
Zoning:	5610 Broadway: RM-1, Mixed Housing Type Residential Zone 5616 Broadway: RM-1, Mixed Housing Type Residential Zone 5633 Manila Avenue: RD1, Detached Unit Residential Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Minor alterations to an existing facility; Section 15332 of the State CEQA Guidelines: Infill Projects; Section 15183 of the State CEQA Guidelines: Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	5610 Broadway: Potential/Not a Potential Designated Historic Property, Potentially Secondary or Superior Example; Survey rating: XC3 5616 Broadway: Potential Designated Historic Property, Minor Importance, Potentially Secondary or Superior Example Survey Rating: Dc3 5633 Manila Avenue, Potential Designated Historic Property, Secondary Importance or Superior Example Survey Rating: C3
Service Delivery District:	2
City Council District:	1
Status:	The application was approved by the Zoning Manager on August 1, 2012. The approval was subsequently appealed by the appellant on August 13, 2012. The Planning Commission voted by a non-binding straw vote to uphold the appeal on December 5, 2012 and directed the applicant and appellant to meet to try to work out a solution..
Action to be taken:	Decision on Appeal
Staff recommendation:	Deny the appeal and approve the revised application
Finality of Decision:	<i>Final (Not Appealable pursuant to OMC Sec. 17.132.030)</i>
For further information:	Contact case planner Ulla-Britt Jonsson at (510) 238-3322 or ujonsson@oaklandnet.com



Staff Member Ulla-Britt Jonsson gave a presentation.

Mr. Miller gave a brief explanation of why the denial decision is being appealed.

Appellant: Jerry Shapiro gave an argument.

Mr. Miller clarified what an approval of the revised project proposal means. He asked that the Planning Commission approve the revised project and the revised conditions of approval.

J.D. Zambrescu, Paul Ovalle, Charles Kahn gave a brief history of their concerns with this project and is in favor of approving a revised project and conditions of approval.

Planning Commission asked the following questions:

Did your conversation address all three campuses and was there a reduction in enrollment?
There are two buildings that is proposed to be same color- can they be painted to be different colors?
An 8 feet fence proposed for the backyard is a bit excessive, 4.2 detail 9, proposed west elevation; There are nice roof lines and then a curve over the top of the window, could the roof line be matched with the rest of the rectangular portion? On A-4.3 detail 4, the windows seem really small and high, is this at the neighbor's request?

Mr. Ovalle responded yes, it was a comprehensive, the permit encapsulated all three campuses and there was a reduction in the total enrollment.

Mr. Ovalle stated that the actual language in the conditional use permit suggests that they will be converting a brown shingle house to a light or cream colored stucco. Their current building adjacent to this one is a shade of yellow, which doesn't seem to be the same color. Mr. Zambrescu requested that there be a light color to receive more reflective light onto his home in which they all agreed.

Mr. Zambrescu responded stating that they weren't sure what the fence height regulations were. His backyard faces Manila Street and there is a grade there that is 2 feet tall so, a 6 feet fence on the height of the property would only be a 4 feet fence on Manila Street.

Mr. Ovalle stated that they will take the request for a roof line adjustment into consideration.

Mr. Ovalle responded yes, it was a privacy request from the neighbors to have the windows located high and to make them small.

Mr. Kahn stated that he reviewed the previous meeting where both Commissioners Coleman and Moore expressed concerns about wanting the applicants and neighbors to come to the table to discuss the lighting issues, and their comments were taken to heart. The design has improved as a result and their comments were greatly appreciated.

Speakers: Lauren Shapiro, Pamela Walters.



Mr. Miller responded to Ms. Shapiro's question concerning why didn't staff consider the potential impacts to the neighborhood on the expansion of the second property before the third property was approved. The third expansion was reviewed knowing phase 2 would move forward. Staff reviews on a case by case basis, the current proposal in light of what has already been approved, what's currently valid and what may still be built. In other words, the review looked at the project in its totality.

Ms. Shapiro asked how would the impacts for noise from excess vehicles and children from the second property be assessed when it's still in the process of being built then, approve a proposal for a third property addition before knowing the impacts from the second property.

Mr. Miller responded stating that staff assumes how much traffic may be created depending on the size of the expansion under phase 2. Staff essentially reviewed phase 3 in two parts which is phases 2 and 3, which is the same as if a project is evaluated and only one half is built, but the ability to build the other half is still available. There is no certain way to know the impacts until it's operational, all of the anticipation up to that point is based on best science and assessment of anticipation of traffic and other things that may come up. Staff may anticipate what an additional 20 children on a playground may be in terms of noise; provide certain protection such as landscaping, space, fencing or time limits for children playing outside. Theoretically, these are some things may be assessed before they may or may not occur.

Vice Chair Moore further explained, the last time Ms. Shapiro came before the Planning Commission and She discussed the collective campus and traffic control. Some of the Planning Commissioners at that time had reservations from their previous experiences with other school proposals and the neighbors spoke on those issues as well. This is why he asked Ms. Shapiro earlier in the meeting if the compromise included reviewing all three campuses, his understanding from that process was to reduce the cap on enrollment overall. He believes that staff reviewed all three campuses collectively and felt it was best that this was resolved between the applicants and neighbors.

Commissioner Weinstein believes that the applicants were more than generous to put it in writing that they wouldn't expand the project any further, which seems like an excessive compromise. It's the applicant's civil liberty to expand if they choose to do so in the future. Right now, they would have to come before the Planning Commission again to be evaluated. They review these on a project by project basis and shouldn't set a precedent where applicants are limiting their ability to expand their business when they are allowed to.

Mr. Ovalle stated that they were concerned with the civil liberties situation, but they felt it was reasonable not to expand in what they deemed a 1,000 feet radius.

Commissioner Coleman asked Mr. Miller to clarify the preferred motion.

Mr. Miller explained that staff's recommendation is that the appeal be approved and the revised plans including the revised conditions of approval be approved.

Commissioner Coleman made a motion to approve the appeal, revised plans, revised conditions of approval and review the front window to consider making straight roof lines, seconded by Vice Chair Moore.

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



Approval of Minutes

Commissioner Coleman made a motion to approve the April 2, 2014 Planning Commission Meeting Minutes, seconded by Commissioner Bonilla.

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

ADJOURNMENT

Meeting adjourned at approximately 8:55 P.M.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division