



# Oakland City Planning Commission

## Minutes

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

November 18, 2015  
Regular Meeting

### ROLL CALL

**Present:** Moore, Nagraj, Bonilla, Monchamp, Myres, Pattillo, Weinstein.

**Staff:** Darin Ranelletti, Robert Merkamp, Devan Reiff, Maryann Sargent, Peterson Vollmann, Celena Chen, Cheryl Dunaway.

### WELCOME BY THE CHAIR

### Agenda Discussion

Item #4, 3250 Hollis Street was removed from this agenda and rescheduled for the December 16, 2015 Planning Commission meeting.

### Director's Report

**Mr. Merkamp** stated that page 2 of the Director's Report was omitted during the copying process and would like to submit it tonight with a 2/3 vote from the Planning Commission.

Commissioner Pattillo made a motion to approve the submittal of page 2 of the Director's Report, seconded by Commissioner Myres.

**Action on the matter:** Approved 7 ayes, 0 oes.

**Mr. Ranelletti** gave an update of the Housing Affordability Matrix. Staff Members Devan Reiff and Maryann Sargent with the Housing and Community

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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.



Development assisted with answering questions asked by the Planning Commission.

**CONSENT CALENDAR**

Item #2 was removed from the consent calendar and will be heard at tonight's meeting.

Vice Chair Nagraj made a motion to approve items 1 and 3 on the consent calendar, seconded by Commissioner Pattillo.

**Action on the matter:** Approved 6 ayes, 0 noes 1 Abstention (Monchamp).

1.	<b>Project Name:</b>	<b>MLK RESIDENTIAL EXTENSION</b>
	<b>Location:</b>	<b>3860 &amp; 3884 M L King Jr. Way (APNs 012-0968-031-00 &amp; 012-0968-030-01)</b>
	<b>Proposal:</b>	Extend time to vest approvals to December 2016
	<b>Contact Person/Phone Number:</b>	Neil and Mary Cotter (650 766 3066)
	<b>Owner:</b>	Neil and Mary Cotter
	<b>Case File Number:</b>	<b>CDV06325-EOT-1 and CDV06326-EOT-1</b>
	<b>Planning Permits Required:</b>	Extension of time to December 31, 2016 to vest approvals for Major Conditional Use Permit, Design Review and Variance to allow a 74 unit Residential and Commercial development
	<b>General Plan:</b>	Neighborhood Center Mixed Use
	<b>Zoning:</b>	S-15 Transit Oriented Development Zoning District
	<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Sections 15332 urban infill, 15183 projects consistent with adopted plans
	<b>Historic Status:</b>	Not a Potential Designated Historic Property; rating Ed3
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	1
	<b>Commission Action to Be Taken:</b>	Approve Staff Recommendation
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For Further Information:</b>	<b>David Valeska at (510) 238-2075, <a href="mailto:dvalueska@oaklandnet.com">dvalueska@oaklandnet.com</a></b>

Vice Chair Nagraj made a motion to approve, seconded by Commissioner Pattillo.

**Action on the matter:** Approved 6 ayes, 0 noes 1 abstention (Monchamp).



2.	<b>Location:</b>	<b>1475 Alice Street (APN: 008-0626-040-00)</b>
	<b>Proposal:</b>	To install 12 new panel antennas with screening devices, and other associated equipment on the rooftop of an existing residential building .
	<b>Owner:</b>	CCHNC south Lake Towers, Inc. GTE Mobilnet LP for Verizon Wireless c/o Complete Wireless / Brendan
	<b>Applicant:</b>	Leonard
	<b>Case File Number:</b>	<b>PLN15153</b>
	<b>Planning Permits Required:</b>	Design Review for alterations and construction of telecommunications facilities and Major Conditional Use Permit for macro Telecommunication facilities in /or near a residential zone.
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	CBD- C & CBD-R
	<b>Environmental Determination:</b>	Section 15303 of the State CEQA Guidelines: for construction of small structures; Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	<b>Historic Status:</b>	Not a Potential Designated Historic Property (PDHP); Survey Rating: F1-
	<b>Service Delivery District:</b>	Metro
	<b>City Council District:</b>	3
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision on application based on staff report
	<b>Staff Recommendation:</b>	Approval subject to conditions
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For Further Information:</b>	Contact case planner Moe Hackett at <b>(510) 238-3973</b> or by email at <a href="mailto:mhackett@oaklandnet.com">mhackett@oaklandnet.com</a>

**COMMISSIONERS MONCHAMP AND BONILLA RECUSED THEMSELVES FROM HEARING THIS ITEM DUE TO CONFLICTS OF INTEREST.**

**Staff Member Peterson Vollmann** gave a presentation.

**Applicant:** Brendan Leonard gave a presentation.

**Speaker:** Brian Geiser.

**PUBLIC COMMENT SESSION CLOSED.**

Vice Chair Nagraj made a motion to approve, seconded by Commissioner Myres.

**Action on the matter:** Approved 5 ayes, 0 noes.



3.	<b>Location:</b>	<b>10700 MacArthur Boulevard (APN's: 047-5589-001-13 &amp; 047-5589-001-12)</b>
	<b>Proposal:</b>	To make minor change to the approved Foothill Square plan including the establishment of a new fast food restaurant (McDonald's) with a drive through.
	<b>Owner:</b>	Macarthur Boulevard Associates, a California Limited Partnership Jay-Phares Corporation & Macarthur Boulevard Associates, a California
	<b>Applicant:</b>	Limited Partnership
	<b>Case File Number:</b>	<b>PLN15083</b>
	<b>Planning Permits Required:</b>	Design Review for construction of a new commercial building and alterations to previously approved buildings in the shopping center, Major Conditional Use Permits for a Fast Food Restaurant and a 24 hour Drive-Through facility, 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 36 parking stalls from the approved shopping center parking of 746 stalls to allow for the drive through lane and other minor layout changes within the shopping center.
	<b>General Plan:</b>	Community Commercial
	<b>Zoning:</b>	CC-1
	<b>Environmental Determination:</b>	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.
	<b>Historic Status:</b>	Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A
	<b>Service Delivery District:</b>	4
	<b>City Council District:</b>	7
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision on application based on staff report
	<b>Staff Recommendation:</b>	Approval subject to conditions
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For Further Information:</b>	Contact case planner Moe Hackett at <b>(510) 238-3973</b> or by email at <a href="mailto:mhackett@oaklandnet.com">mhackett@oaklandnet.com</a>

Vice Chair Nagraj made a motion to approve, seconded by Commissioner Pattillo.

**Action on the matter:** Approved 6 ayes, 0 noes 1 abstention (Monchamp).



**PUBLIC HEARINGS**

**PLEASE NOTE: ITEM NO. #4, BELOW HAS BEEN REMOVED FROM THIS AGENDA.**

<b>4.</b>	<b>Location:</b>	<b>3250 Hollis Street (APN's: 007-0593-005-00; 006-01; 008; 009-01; 011; 012; 013; 015-01; 017; 019-01; &amp; 020-01)</b>
	<b>Proposal:</b>	<b>To construct a mixed use condominium development involving 94-unit residential, 30-unit HBX work/live and 2,900 sq. ft. of retail space.</b>
	<b>Owner:</b>	<b>Madison Park Financial</b>
	<b>Applicant:</b>	<b>Madison Park Financial(510)452-2944 ext. 16</b>
	<b>Case Number:</b>	<b>PLN15265 (TPM10425)</b>
	<b>Planning Permits Required:</b>	<b>Major Design Review for a mixed-use development involving more than 25,000 square feet of non-residential floor area; Tentative Parcel Map (TPM10425) for residential and commercial condominiums.</b>
	<b>General Plan:</b>	<b>Housing and Business Mix</b>
	<b>Zoning:</b>	<b>HBX—2 Housing and Business Mix Zone 2</b>
	<b>Environmental Determination:</b>	<b>Exempt 15332; State CEQA Guidelines, Infill development; Project also relies on WOSP EIR; and Section 15183 of the CEQA Guidelines (projects consistent with a community plan, general plan, or zoning).</b>
	<b>Historic Status:</b>	<b>Potential Designated Historic Property (PDHP); Survey Rating: C3</b>
	<b>Service Delivery District:</b>	<b>4</b>
	<b>City Council District:</b>	<b>3</b>
	<b>Status:</b>	<b>Pending</b>
	<b>Action to be Taken:</b>	<b>Decision on application based on staff report</b>
	<b>Staff Recommendation:</b>	<b>Approval subject to conditions</b>
	<b>Finality of Decision:</b>	<b>Appealable to City Council within 10 days</b>
	<b>For Further Information:</b>	<b>Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at <a href="mailto:mbrenyah@oaklandnet.com">mbrenyah@oaklandnet.com</a></b>



5.	<b>Location:</b>	<b>1638-47<sup>th</sup> Avenue (APN: 035-2360-032-03)</b>
	<b>Proposal:</b>	To convert an existing church, school and single family dwelling (to remain one single family dwelling unit) into a total of 60 residential dwelling units.
	<b>Applicant:</b>	Riaz Inc.
	<b>Contact Person/Phone Number:</b>	Daniel Dunigan (415)658-9586
	<b>Owner:</b>	Masjidul Waritheen
	<b>Case File Number:</b>	<b>PLN15176</b>
	<b>Planning Permits Required:</b>	Regular Design Review to convert an existing church, school and single family dwelling into a total of 60 residential units. Minor Variance for 22 off-street parking spaces where 59 are required (The parking requirement is reduced by one off-street parking space due to an excess of more than six required bicycle parking spaces). Rezone from the RU-1 Urban residential Zone to the adjacent zone of RU-4 Urban Residential Zone with height area 45.
	<b>General Plan:</b>	Urban Residential
	<b>Zoning:</b>	RU-1 Urban Residential Zone
	<b>Environmental Determination:</b>	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.
	<b>Historic Status:</b>	Potential Designated Historic Property; Survey Rating: B+3
	<b>Service Delivery District:</b>	4
	<b>City Council District:</b>	4
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision regarding Design Review, and Minor Variance, Recommendation to City Council regarding Rezone
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For Further Information:</b>	Contact case planner Michael Bradley at <b>(510) 238-6935</b> or by email: <a href="mailto:mbradley@oaklandnet.com">mbradley@oaklandnet.com</a>

**Staff Member Peterson Vollmann gave a presentation while waiting for case planner, Michael Bradley to arrive from attending another meeting.**

**Applicants:** Riaz Taplin, Daniel Dunigan and Brian Milford, Architect gave a PowerPoint presentation.

**Speakers:** Christine Ralls, Naomi Schiff, Jarvis Blackman.

#### **PUBLIC COMMENT SESSION CLOSED.**

Commissioner Pattillo made a motion with the following conditions: Require the historic elements associated with the historic Melrose Church specifically, the ceiling element and exterior details not be substantially changed and any necessary changes that will impact the historic elements will be done in a manner which is reversible and reviewed by staff, seconded by Commissioner Weinstein.

**Action on the matter:** Approved 7 ayes, 0 noes.



6.	<b>Location:</b>	Citywide.
	<b>Proposal:</b>	<b>Review proposed Planning Code amendments related to regulations for Secondary Units</b>
	<b>Applicant:</b>	City of Oakland
	<b>Case File Numbers:</b>	<b>ZA15018</b>
	<b>Planning Permits Required:</b>	Not Applicable. Discussion of proposed Planning Code amendments.
	<b>General Plan:</b>	Land Use and Transportation Element (LUTE) Areas: All. Estuary Policy Plan Areas: All.
	<b>Zoning:</b>	All Zones citywide
	<b>Environmental Determination:</b>	The proposed amendments to the Planning Code 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).
	<b>Historic Status:</b>	Not Applicable
	<b>Service Delivery District:</b>	All.
	<b>City Council Districts:</b>	All.
	<b>Actions to be Taken:</b>	Receive public and Planning Commission comments on the proposed Planning Code amendments and request Planning Commission for its recommendation to City Council.
	<b>For Further Information:</b>	Contact project planner Ed Manasse at 510-238-7733 or <a href="mailto:emanasse@oaklandnet.com">emanasse@oaklandnet.com</a>

**Staff Member Ed Manasse** gave a presentation.

**Speaker:** Brian Geiser.

## **PUBLIC COMMENT SESSION CLOSED.**

**Councilmember Dan Kalb** made comments and offered suggestions to the Planning Commission and stated that he supports this project proposal.

Commissioner Myres made a motion to approve and find the existing regulations being amended are inadequate and otherwise contrary to the public interest, recommend the City Council approve the proposed planning code text amendments related to secondary units with the amendment to the owner occupancy definition to read: "The legal owner shall occupy either the primary dwelling unit or secondary unit as their primary permanent residence", amend the reduced parking requirements to include a half of a mile from rapid transit lines regardless of Oakland's boundary and recommend the City Council continue to study a policy that ensures new units meet long term housing needs of the City, seconded by Commissioner Bonilla.

**Action on the matter:** Approved 7 ayes 0 noes.



## APPEALS

7.	<b>Location:</b>	<b>39 4<sup>th</sup> Street (APN: 018-0440-002-00)</b>
	<b>Proposal:</b>	Appeal of an Administrative decision to approve a Minor Conditional Use permit for Group Assembly Commercial activity.
	<b>Appellant:</b>	Eric & Laura Lamison/Jamtown, LLC
	<b>Applicant:</b>	Tony Freccero / Triple Threat Academy
	<b>Owner:</b>	B & B Partners
	<b>Case File Number:</b>	<b>PLN15230-A01</b>
	<b>Planning Permits Required:</b>	Conditional Use Permit to allow a Group Assembly Commercial activity in the M-20 Zone. This was based off of a Zoning Manager General Plan Conformity Determination (DET13-0046) that stated that such activities could be permitted within the M-20 Zone in the Estuary Policy Plan Mixed Use District upon the granting of a Conditional Use permit.
	<b>General Plan:</b>	EPP – Mixed Use District
	<b>Zoning:</b>	M-20, Light Industrial Zone S-4, Design Review Combining Zone
	<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines, In-fill development projects Exempt, Section 15183 of the State CEQA Guidelines, Projects consistent with a community plan, general plan, or zoning
	<b>Historic Status:</b>	Not a Historic Property
	<b>Service Delivery District:</b>	Metro
	<b>City Council District:</b>	3
	<b>Status:</b>	The application was approved by the Zoning Manager on September 4, 2015. The approval was subsequently appealed by the appellant on September 14, 2015.
	<b>Action to be Taken:</b>	Decision on appeal
	<b>Finality of Decision:</b>	Final
	<b>For Further Information:</b>	Contact case planner <b>Peterson Z. Vollmann</b> at (510) 238-6167 or by email: <a href="mailto:pvollmann@oaklandnet.com">pvollmann@oaklandnet.com</a> .

## COMMISSIONER MYRES LEFT THE MEETING EARLY DUE TO A PRIOR ENGAGEMENT.

**Staff Member Peterson Vollmann** gave a presentation.

**Appellant:** Eric Lamison gave a PowerPoint presentation and gave an argument on why he opposes sharing spaces in the rear parking lot with the applicant.

**Applicant:** Tony Freccero gave a presentation on why he should be allowed to have 15 to 20 designated spaces in the rear parking lot.

**Speaker:** Juno Thomas.

## PUBLIC COMMENT SESSION CLOSED.

Commissioner Pattillo made a motion to deny the appeal and add a condition of approval to the applicant's application that the owner will submit a parking demand management plan for shared parking for all uses including 100 exclusive parking spaces committed to Jam Town and the amount committed to Triple Threat Academy and East Bay Restaurant Supply, seconded by Vice Chair Nagraj.

**Action on the matter:** Denied with the added condition of approval 7 ayes, 0 noes.






**City Council Actions**

**Mr. Merkamp** stated that the Head Royce School and 1405 Wood Street project proposals were appealed to the City Council. He will give a status report on the City Council's decision once they've been heard.

**ADJOURNMENT**

Meeting adjourned at approximately 9:50 P.M.



**ROBERT D. MERKAMP**  
Development Planning Manager  
Planning and Zoning Division

**NEXT MEETING:** December 2, 2015

**NOTE:** For further details on this meeting, please view the video on the oaklandnet.com website.