



Oakland City Planning Commission

Minutes

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

**November 19, 2014
Regular Meeting**

ROLL CALL

Present: Pattillo, Moore, Coleman Myres (arrived at 6:45P.M.), Nagraj, Weinstein.

Excused: Bonilla.

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

WELCOME BY THE CHAIR

Director's Report

Deputy Director, Ranelletti gave a report on the City Council approval of the Lake Merritt Station Area Plan, but didn't include the Planning Commission's recommended changes. They adopted their own changes and added policy language on equitable developments, Impact Fees Nexus Study, parking and changes to the heightened intensity map which expanded the number of conditional use permits for higher buildings.

On December 2, 2014 the Impact Fees Nexus Study consultant contract will be brought before the City Council's Community and Economic Development (CED) Committee. The proposed scope and schedule for the project is also included in that contract and anticipate returning before the City Council for adoption by the end of 2015.

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.

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Staff is working very diligently for this to happen as quickly and as efficiently as possible. This is a fairly complex project given the amount of coordination between the various City of Oakland departments which may include: Transportation, Housing, Police, Libraries, etc. Periodic updates will be given as the project progresses.

Commissioner Weinstein asked if the Planning Commission can receive regular updates on the Nexus Study.

Mr. Ranelletti responded, yes.

Committee Reports

Commissioner Coleman gave a brief report on the Design Review Committee Meeting on November 12, 2014. The Committee decided they liked the plan very much and agreed that the MacArthur Transit Village Planned Unit Development should move forward.

Commission Matters

Chair Pattillo and Vice Chair Moore disclosed that they've spoken with Todd Paradis, applicant for Safeway over the phone to obtain general information concerning that project.

Chair Pattillo asked Mr. Merkamp if the Planning Commission Manual discussion can possibly be placed on the December 3, 2014 Planning Commission Meeting agenda.

CONSENT CALENDAR

Item numbers 1 and 2 were moved on consent of the Planning Commission.

Vice Chair Moore made a motion to approve, seconded by Commissioner Coleman.

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



1.	Location:	5460 Bancroft Avenue (APN: 035-2389-003-00)
	Proposal:	To install 3 new antennas and 3 new Remote radio Heads (RRH's) to an existing Mini Telecommunications Facility (associated equipment cabinets are on the ground floor).
	Applicant /	Sean Snyder / Phil Gamick (for: Sprint)
	Phone Number:	(530) 386-5253
	Owner:	Charles H. Joe & Shryel J. Joe by T10 Unison Site Management LLC, its agent and attorney in fact
	Case File Number:	PLN14155
	Planning Permits Required:	Major Conditional Use permit and Regular Design Review with additional findings for Mini Telecommunications facilities within a residential zone
	General Plan:	Urban Residential
	Zoning:	RU-4 Urban Residential Zone
	Environmental Determination:	To be determined
	Historic Status:	C3
	Service Delivery District:	5
	City Council District:	4
	Date Filed:	May 19, 2014
	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 Moe Hackett, Planner II at (510) 238-3973 or mhackett@oaklandnet.com

Vice Chair Moore made a motion to approve, seconded by Commissioner Coleman.

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

2.	Location:	9658 Thermal Street (APN: 048-5603-019-00)
	Proposal:	To install 3 new antennas and 3 new Remote Radio Heads (RRH's) to an existing Mini Telecommunications Facility (associated equipment cabinets are on the ground level).
	Applicant /	Sean Snyder / Phil Gamick (for: Sprint)
	Phone Number:	(530) 386-5253
	Owner:	Northern California Conference Association of Seventh Day Adventist
	Case File Number:	PLN14099
	Planning Permits Required:	Major Conditional Use permit and Regular Design Review with additional findings for Mini Telecommunications facilities within a residential zone
	General Plan:	Detached Residential
	Zoning:	RD-1 Detached Residential Zone
	Environmental Determination:	To be determined
	Historic Status:	Cb+3
	Service Delivery District:	6
	City Council District:	7
	Date Filed:	April 21, 2014
	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 Moe Hackett, Planner II at (510) 238-3973 or mhackett@oaklandnet.com

Vice Chair Moore made a motion to approve, seconded by Commissioner Coleman.

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



PUBLIC HEARINGS

3.	Location:	768 46th Avenue (APN: 034-2293-002-02)
	Proposal:	Heavy /High Impact Manufacturing and Citatory II Creek Permit to operate a concrete , asphalt, and rock pulverization open facility for processing construction materials.
	Applicant /	Nor Cal Rock LLC./ Peter Clark (Clausen Structural Engineers, Inc.
	Phone Number:	(510) 444-4144
	Owner:	Learner Investment Co.
	Case File Number:	PLN14097
	Planning Permits Required:	Major Conditional Use Permit and Category II Creek Permit
	General Plan:	General Industrial and Transportation
	Zoning:	IG General Industrial Zone
	Environmental Determination:	To be determined
	Historic Status:	None (vacant lot)
	Service Delivery District:	5
	City Council District:	5
	Date Filed:	April 17, 2014
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Moe Hackett, Planner II at (510) 238-3973 or mhackett@oaklandnet.com

Staff Member Moe Hackett gave a presentation.

Commissioner Nagraj asked to please explain the purpose of the paragraph about building design and the possibility for future site improvement.

Mr. Hackett explained there's currently a requirement for design review in the zone. No permanent structures are currently proposed; the structures on site are temporary including the water containment office and restroom facilities. The applicants will provide portable toilets unless, permanent structures are built on the site where permanent restroom facilities are required. There are provisions in the staff report that addresses this as an obligation.

Commissioner Nagraj asked if items in the conditions that apply for improvements such as: improvements to the public right of way and removal of street trees. Are those conditions non-applicable?

Mr. Hackett responded yes, this is considered a standard condition.

Commissioner Nagraj asked about the noise control for construction. Noise levels from the activity will comply with 1720 of the code and 818 of the Municipal code if noise levels exceed. The activity causing the noise shall be abated until appropriate. Please clarify those standards and what those references invoke.

Mr. Hackett and Mr. Merkamp responded stating that the standards for noise control usually apply to noise that is omitted beyond the property line.

Commissioner Nagraj asked if requirement for a swift plan or storm water plan runoff is based on the amount of water runoff.



Mr. Hackett responded stating that a very small amount of water is used due to a limited supply which doesn't cause much water runoff.

Commissioner Coleman asked if the water will be recycled.

Mr. Hackett responded, yes.

Vice Chair Moore asked if this can be set up for any demolition or removal of a particular project or is this an ongoing facility open to the public.

Mr. Hackett stated that it's not open to the public.

Chair Pattillo asked how this site relates to the Coliseum City project.

Mr. Hackett responded stating that this site has no relation to the Coliseum City project.

Chair Pattillo asked if the railroad tracks adjacent to this site are used by freight trains, passenger trains or both.

Mr. Hackett responded stating the railroad tracks are used by both freight and passenger trains.

Chair Pattillo asked what the monitoring process is for addressing noise or dust issues that may arise. Is it based on a complaint filed before any action is taken?

Mr. Merkamp responded stating that the City Of Oakland's Code Enforcement Division regularly investigates matters such as: dust blowing from adjacent sites and noise. If a violation is detected, they will address the violation to correct the deficiency.

Action is taken mostly dependent on neighborhood complaints filed. There isn't sufficient staff to provide proactive Code Enforcement.

Applicant: Peter Clark gave a brief presentation and stated that he is open to building an enclosure around the portable toilets.

Chair Pattillo suggested that eucalyptus trees be planted due to its low maintenance.

Planning Commission Comments:

The Planning Commission believes this is a very good business and is pleased to have it in Oakland, and that the products will be produced in Oakland instead of being shipped in from outside. The location is ideal and the neighbors in the area didn't express any concerns. This will be great for Oakland.

Commissioner Coleman made a motion to approve with the condition that a screen be built around the portable toilets, seconded by Vice Chair Moore.

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

November 19, 2014

4. **Location:** 4100 Redwood Road (APN: 029-1090-016-11)
Proposal: Proposal to demolish the approximately 18,000 square foot Safeway grocery store and rebuild a new 44,164 square foot grocery store, which would include a new rooftop parking deck and reprogrammed surface parking in the front of the building and on the adjoining lot. The proposed project will also include the merging of the two existing driveways for the Safeway and the adjacent Church at 4000 Redwood Road for a new signalized intersection.
Applicant: Safeway
Contact Person/Phone Number: Todd Paradis, (925) 467-2078
Owner: Property Development Centers LLC
Case File Number: CMDV11-137
Planning Permits Required: Regular Design Review for new construction
 Conditional Use permits for a Shared Access Facility for a new common driveway, master sign program and parking reduction in the CC-1 Zone (220 stalls required; 168 proposed; with a total of 265 stalls with shared parking on adjacent lots)
General Plan: Community Commercial
Zoning: CC-1, Community Commercial Zone -1
Environmental Determination: Exempt, Sections 15332 of the State CEQA Guidelines; in-fill development projects; and
 Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.
Historic Status: Not a historic property
Service Delivery District: 4
City Council District: 4
Status: Pending
Action to be Taken: Decision on application based on Staff Report
Finality of Decision: Appealable to City Council
For Further Information: Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@oaklandnet.com

Staff Member Peterson Vollmann gave a presentation.

Commissioner Coleman asked if the church can utilize the Safeway parking lot.

Mr. Vollmann responded yes, it's included in the signed agreement with the church.

Commissioner Coleman stated on page 9a, “Already approved designs for façade renovations”. Was this brought before staff only?

Mr. Vollmann responded yes, since there were no changes in square footage, just a façade renovation. It only required an over the counter design review.

Commissioner Coleman asked what the goal is in terms of energy use.

Mr. Vollmann responded stating that this project is required to meet LEED silver requirements.

Applicant: Todd Paradis gave a presentation.

Chair Pattillo asked Mr. Paradis to summarize their discussion and the suggestions she gave from their phone discussion this morning.



The Landscape Architect explained that these aren't the final plans and will become more detailed as the plan develops. The discussion included the following suggestions:

- Plant ornamental grasses and/or Artostaphylos in addition to the live Oaks shown on the preliminary plans along Redwood Road.
- Plant Crepe Myrtles and railing on the Safeway side in the planting area in front of the 7 parking stalls by the front entrance.
- Plant various plant species on the slope on Redwood Road.
- Plant vines on the trellis in the seating area in front.
- Plant a hedge in the landscape strip between Safeway and the Church.

They will also develop specific specifications for the various soils that will be on site, which will be appropriate for the type of plant(s) being planted in the various areas onsite which will be irrigated appropriately. They will also develop planting details for the trees that will provide sufficient volume and medium that will enable the trees to thrive.

Planning Commission Questions, Comments and Concerns:

The Planning Commission is very pleased with this project and how it's nicely developed. An outstanding job done with listening and responding to the comments and hopes the applicants will move forward with the alternate site plan to further connect to shopping areas. The parking agreement is a great way to resolve the parking issues between Safeway and the church to ensure efficiency of the parking space uses in which future projects should have similar agreements.

Commissioner Coleman made a motion to approve, seconded by Vice Chair Moore.

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

5.	Location:	Citywide
	Proposal:	Recommendation to the City Council to adopt a General Plan Amendment (GPA) for the 2015-2023 <i>Housing Element</i> , as part of the Oakland General Plan. The City must accommodate 14,765 new housing units between 2015 and 2023 to meet its "fair share" of the region's housing need. The City can accommodate the new housing without rezoning or further GPAs, through current opportunity sites, and with projects either built, under construction, approved or in predevelopment.
	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 Addendum is prepared for the draft <i>Housing Element</i> , based on the certified <u>Environmental Impact Report</u> for the 2007-2014 <i>Oakland Housing Element</i> .
	Service Delivery District:	All
(Continued on page 8)		



(Continued from page 7)

City Council District:	All
Status:	The Commission reviewed the draft <i>2015-2023 Housing Element</i> at its May 7, 2014, public hearing. The Community and Economic Development Committee of the Oakland City Council reviewed the draft <i>Housing Element</i> at the June 10, 2014 public meeting.
Action to be Taken:	Conduct a public hearing, receive comments from the public, discuss and recommend adoption of the 2015-2023 <i>Housing Element</i> to City Council.
Finality of Decision:	Recommendation to City Council
For Further Information:	Contact case planner Devan Reiff at (510) 238-3550, dreiff@oaklandnet.com

Staff Member Maryann Sargent gave a PowerPoint presentation.

Staff Member Devan Reiff gave a presentation.

Commission Weinstein asked how many developers responded to the questionnaire that staff sent out. Was there any outreach to developers that doesn't conduct business in Oakland?

Ms. Sargent stated that 3 local developers responded to the questionnaire. One of them has a project on the Major Projects list, it's uncertain if the other two developers has projects on the list as well.

Commissioner Coleman asked for an explanation of how the boomerang funds work.

Ms. Sargent explained, when redevelopment funds were in place, there was property tax increment which was dependent on the redevelopment area and when it was adopted. Once adopted, the property tax levels were set at that rate. Any increment in property tax after investment into the infrastructure in those areas, the increment that was used to fold back into redevelopment required that 20% of the tax increment be allocated for affordable housing. Oakland committed to 25%, but when the Redevelopment Agency was dissolved, that increment was returned to the State of California and reallocated to the taxing jurisdictions.

Commissioner Coleman asked how ABAG developed the population figures.

Ms. Sargent explained that ABAG receives a demographic projected growth allocation from the State of California.

Commissioner Coleman asked why is manufactured housing on single family residential districts allowed, but not in multiple family residential districts.

Mr. Reiff responded stating that they are built to State of California code standards, but is uncertain why manufactured homes aren't allowed in multiple family residential districts.

Vice Chair Moore asked if the information about Annual Notice of Funding Availability for Affordable Housing Development can be more accessible to developers and the public. It was very difficult to find.

Ms. Sargent stated that it's located in the staff report attachment in appendix D of the Program Directory under Housing and Development. Staff will ensure that it's more accessible.

Speakers: Jean Cohen, Tram Nguyen, Julie Twichell, Robbie Clark, Jeff Levin, Jared Wright.



Planning Commission Questions, Comments and Concerns:

Commissioner Myres thanked the community advocates for attending and speaking at tonight's meeting. The hope is to have a robust discussion tonight that includes work done by staff and the work done in the community to strategize how to connect activities inside and outside of the City of Oakland and how to make the most of the Housing Element and provide for Oakland's current and future residents.

Ms. Sargent responded stating that policy 4.4 is in place due to public requests for staff's acknowledgement of that issue and attempt to address it. That policy is for future projects coming down the line through a Housing Equity Road Map presented by Margaretta Lin who details what she expects on Condominium conversions and other various programs.

Commissioner Myres asked if Margaretta Lin can attend a future Planning Commission Meeting and give a presentation on the Housing Equity Road Map.

Ms. Sargent explained that the Jobs and Housing impact fee was established in 2005 based on specific commercial development.

Commissioner Myres stated that on page 135, Oakland came in last place for reference study on habitable homes and healthy home condition in a 45 metropolitan area studies.

What is the current status of the Jobs and Housing impact fee?

Mr. Ranelletti explained that the contract for the consultant to conduct a study on the Jobs and Housing Impact Fee will be brought before the Community and Economic Development (CED) Committee on December 2, 2014 including the proposed scope and schedule and anticipate returning before the City Council for adoption by the end of 2015.

Commissioner Myres stated that the map on page 119 that list areas of high concentration of very low and low income residents. Based on her own review, there's an overlap in the Broadway Valdez Specific Plan, Lake Merritt Station Plan Area and the Coliseum City Specific Plan of very low to low income residents, over 75%. This is of great concern because residents are vulnerable to displacement and market pressures that will increase rents.

She stated that the Planning Commission should recommend that the City Council hold a hearing on the Housing Element's progress and a progress report be submitted to both the Planning Commission and the City Council in the form of a public hearing to allow residents to make comments.

Commissioner Nagraj stated Pertaining to the table showing opportunity sites. It would be very helpful if there was a level of environmental and California Environmental Quality Act (CEQA) approvals or not.

If a developer came under the approved height, bulk and density to build housing in each of those opportunity sites, would it require a new EIR, mitigated Neg Dec or isn't under a specific plan?

Mr. Reiff explained that the intention of the EIR in the 2007-2017 Housing Element was to identify opportunity sites, should any development come in on any of those sites the CEQA clearance would be there unless, there was some supplementary analysis that needed to be conducted such as; a new traffic study.



The Planning Commission thanked all attendees for coming out and making comments at tonight's meeting. The aspirational components attempts to promote equitable development citywide. Affordable housing is greatly needed in Oakland. Individuals within the last month or so have stated that their rents were raised and they are unable to afford the new amount. The constraint supply isn't growing and renters have very limited options on where to go for affordable rent. There's increasing economic pressure in Oakland and the desire to live there provide a dangerous mixture to facilitate and create incentives to evict tenants.

Chair Pattillo asked how long it will be before boomerang funds are received as a source of income.

Ms. Sargent stated that the time limit is indefinite.

Chair Pattillo asked if the results of the Nexus Study could result in having no impact fees.

Mr. Ranelletti responded stating that the economic feasibility will review various building types in different locations throughout the City of Oakland and may vary.

Chair Pattillo stated that we are in a "housing crisis" that doesn't only impact Oakland, it impacts the entire Region. The suggestion to have an annual report in the form of a public hearing is great.

Commissioner Myres asked City Attorney Chen if properties with vested development rights be exempt from the impact fee. Could a development agreement and tract map vest the rights of the project?

Ms. Chen stated that there's no imposition of new impact fees to vested properties. Those are vehicles that could possibly vest the rights of the project.

Commissioner Myres made a motion to approve the Housing Element with annual public hearings to both the Planning Commission and City Council with progress reports on the Housing Element and RHNA allocations and a request for Margaretta Lin, Special Projects Director to give a report to the Planning Commission on the Housing Equity Road Map, seconded by Commissioner Nagraj.

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

Approval of Minutes

Vice Chair Moore made a motion to approve the October 15, 2014 Planning Commission Minutes, seconded by Commissioner Coleman.

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

ADJOURNMENT

Meeting adjourned at approximately 8:30 P.M.


ROBERT MERKAMP
Development Planning Manager
Planning and Zoning Division

NEXT MEETING: December 3, 2014