



Oakland City Planning Commission

AGENDA

Mark McClure, Chair
Colland Jang, Vice Chair
Nicole Franklin
Clinton Killian
Suzie W. Lee
Michael Lighty
Anne Mudge

Reference Copy
For 3rd Floor

JUNE 15, 2005
Regular Meeting

REVISED

Notice – Staff reports are now available on-line. See web site download instructions on Page 2.

MEAL GATHERING

5:00 P.M.

Off Broadway Cafe & Catering Co., Cafe Deli, 416 15th Street

Open to the public at no charge. (Members of the public must pay for their own meals if desired. Purchase of meal is not required to attend.)

- Mark Morodomi – *(Discussion on Conflict of Interest)*

BUSINESS MEETING

6:30 P.M.

Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director's Report, should fill out a speaker card and give it to the Secretary *prior to the convening of the meeting or prior to 8:30 p.m. for matters scheduled to be heard after 8:30 p.m.* Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes.

Agenda items will be called at the discretion of the Chair and not necessarily in the order they are listed on the agenda. However, a matter identified as an 8:30 p.m. item shall not be called until 8:30 p.m. or later. The order of items will be determined under "Agenda Discussion" at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after 10:15 p.m.,

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Community and Economic Development Agency, Planning and Zoning Division, at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the *Planning Department at 510-238-3941* or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.



and the meeting will adjourn no later than 10:30 p.m. unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

Please check with the Planning Department prior to the meeting regarding items that may be continued. Any agenda item may be continued, without the hearing on the matter being opened or public testimony taken, at the discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.

Staff reports for items listed on this agenda will be available by 3:00 p.m. the Wednesday, one week before the meeting, to any interested party, at the Community and Economic Development Agency, Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Oakland, California 94612. Reports are available at the Strategic Planning Division on the 3rd floor (Suite 3330), which closes at 5:00 p.m.

New web-site staff report
download instructions

Staff reports are also available on-line, generally one week prior to each meeting, at www.oaklandnet.com by searching "Frequently Visited Pages" located on the City of Oakland Homepage. Clicking on "Planning Commission Meetings" will open a menu of Planning Commission and Committee Agendas. Staff reports are available on the selected agenda by clicking on the highlighted case file number. For further information, please call **510-238-3941**. *While attending Planning Commission meetings parking in the Clay Street Garage is Free. Attendees should write Planning Commission on the back of the parking ticket.*

If you challenge a Commission decision in court, you may be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the final decision.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report:

Committee Reports

Commission Matters

City Attorney's Report

OPEN FORUM

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.



CONSENT CALENDAR

The Commission will take a single roll call vote on all of the items listed below in this section. The vote will be on approval of the staff report in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

PUBLIC HEARINGS

The hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. The Commission will then vote on the matter based on the staff report and recommendation. If you wish to be notified on the decision of an agenda item, please indicate the case number and submit a self-addressed stamped envelope, for each case. Planning Commission decisions that involve "major" cases (i.e., major variances, major conditional use permits) are usually appealable to the City Council. Such appeals must be filed within ten (10) days of the date of the announcement of the Planning Commission decision. If you challenge a Commission decision in court, you may be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the public hearing.

Interested parties are encouraged to submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item. To allow for distribution to the Commissioners, staff, and the public, 25 copies of all material should be submitted. Material submitted at least ten days prior to the meeting may be included as part of the agenda packet; material submitted later will be distributed at or prior to the meeting. To ensure that material is distributed to Commissioners, it should be received by the Commission

1.	Location: Pacific Cannery Lofts - 1111-1199 Pine Street, West Oakland APN 006-0029-002-00
	Proposal: Public Hearing on the Preliminary Development Plan/Final Development Plan and Design Review approval for 163 units consisting of the conversion of the Pacific Coast Canning Company warehouse to 111 warehouse lofts; new construction of 38 live/work façade lofts and 14 courtyard townhouse lofts; and construction of a 243 space parking garage.
	Applicant: PCL Associates, LLC
	Contact Person/Phone Number: Alex Waterbury (510) 547-2122
	Owner: Holliday Development
	Case File Number: ER 03-0023, GP 04-545, RZ 04-544, CDET 04-032, VTPM 8552, PUD 05-014
	Planning Permits Required: Preliminary Development Plan/Final Development Plan), Design Review
	General Plan: Urban Residential
	Zoning: Wood Street Zoning District
	Environmental Determination: Environmental Impact Report certified March 16, 2005 by the Planning Commission and certification affirmed May 17, 2005 by the City Council
	Historic Status: A potentially designated historic property (PDHP), ASI contributor of secondary importance (Cb+2+)
	Service Delivery District: West Oakland 1
	City Council District: 3, Nancy Nadel
	Status: Recommendations submitted by Design Review Committee and Landmarks Preservation Advisory Board
	Action to be Taken: Final decision on the Preliminary Development Plan/Final Development Plan and Design Review
	Finality of Decision: Appealable to the City Council
	For Further Information: Contact project planner Margaret Stanzione at (510) 238-4932 or mstanzione@oaklandnet.com



2. **Location:** Citywide
 Proposal: Consideration of a Draft Interim Design Review Manual for One- and Two-Unit Residences.
 Applicant: City of Oakland
 Case File Number: ZT04-197, DC 51
 General Plan/Zoning: Citywide
 Environmental Determination: Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
 Service Delivery District: All
 City Council District: All
 Status: Originally agendized for the cancelled May 18, 2005 Planning Commission meeting; reviewed by the Design Review Committee of the Planning Commission on May 12, 2004, October 13, 2004 and February 23, 2005.
 Action to be Taken: Decision on Interim Manual based on Staff Report.
 Finality of Decision: Decision is Final
 For Further Information: Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7733 or by email at emanasse@oaklandnet.com.

3. **Location:** Citywide
 Proposal: Consideration of revised residential design review procedures. Request for Planning Commission direction for preparation of zoning text. (Actual zoning amendments and related changes will be brought forward at a future date for public hearing)
 Applicant: City of Oakland
 Case File Number: ZT04-197
 General Plan/Zoning: Citywide
 Environmental Determination: Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
 Service Delivery District: All
 City Council District: All
 Status: Originally agendized for the cancelled May 18, 2005 Planning Commission meeting; reviewed by the Design Review Committee of the Planning Commission on May 12, 2004 and February 23, 2005.
 Action to be Taken: Hold a public hearing, hear testimony from City staff and interested parties, and make recommendation to City Council based on staff report.
 Finality of Decision: No decision at hearing. Actual zoning amendments and related changes will be brought forward at a future date for public hearing.
 For Further Information: Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7733 or by email at emanasse@oaklandnet.com.



4. **Location:** Northern Corner of 51st Street and Telegraph Avenue, (APNs: 014-1226-003-03; -4-03; -5-02; -6-02; -7-02; -8-00 & -9-01)
- Proposal:** To determine the appropriate zoning classification of City-owned surplus property prior to sale of property pursuant to Ordinance No. 11602 C.M.S.
- Owner/Applicant:** City of Oakland
- Contact Person/Phone Number:** City of Oakland Real Estate Division/ Hamid Ghaemmaghami, at 238-6364
- Case File Number:** ZR05-273
- Planning Permits Required:** Zoning Review for confirmation of zoning
- General Plan:** Neighborhood Center Mixed Use/ Mixed Housing Type Residential
- Zoning:** C-28, Commercial Shopping District/ R-35, Special One-Family Residential Zone/ S-18, Mediated Design Review Combining Zone
- Environmental Determination:** Exempt, Section 15312, State CEQ Guidelines, Surplus Government Property Sales
- Historic Status:** No historic record
- Service Delivery District:** 2
- City Council District:** 1
- Status:** Pending
- Action to be Taken:** Determination of zoning classification and recommendations to City Council based on staff report.
- Finality of Decision:** *Recommendation to City Council*
- For Further Information:** Contact case planner Pete Vollmann at (510) 238-6167 or by email at pvollman@oaklandnet.com

5. **Location:** 557 Merrimac St (APN 009 -0689-040-01) (2/14/05)
- Proposal:** To construct 40 residential units with approximately 2690 square feet of ground floor commercial
- Applicant:** Dinar and Associates
- Contact Person/Phone Number:** Moshe Dinar (510)893-8300
- Owner:** Noel Yi
- Case File Number:** CMDV05-061
- Planning Permits Required:** Major Interim Use Permit for 7 or more units in the R-80 Zone and to achieve the density of the Urban Residential General Plan designation, Regular Design Review, Minor Variance for a 0' front setback where 10' is required.
- General Plan:** Urban Residential
- Zoning:** R-80 High Density Residential Zone
- Environmental Determination:** Exempt, Section 15332 of the State CEQA Guidelines, infill development.
- Historic Status:** Not a Potential Designated Historic Property; survey rating F3
- Service Delivery District:** 2
- City Council District:** 1
- Status:** Pending
- Action to be Taken:** Contained in staff report
- Finality of Decision:** *Appealable to City Council*
- For Further Information:** Contact Robert D. Merkamp at (510) 238-6283 or by email: rmerkamp@oaklandnet.com



6. **Location:** 10900 Edes Avenue (APN 045 -5263-003-00) (3/16/05)
 Proposal: To construct 26 single family residences along with associated private road and street improvements
 Applicant: East Bay Habitat for Humanity
Contact Person/Phone Number: Michael Chao (510) 251-6304
 Owner: East Bay Habitat for Humanity
 Case File Number: PUD05-124/TTM7598
 Planning Permits Required: Vesting Tentative Tract Map to subdivide one parcel into 26 lots for single family dwellings and one remainder parcel for access easements and open space, a Planned Unit Development to set specific development standards for the property.
 General Plan: Housing and Business Mix
 Zoning: R-40 Garden Apartment Residential Zone
Environmental Determination: A Mitigated Negative Declaration for this project was adopted on November 16, 2004 as a part of the rezoning of this property. This Mitigated Negative Declaration analyzed the impact of this project at the scope and scale that is being proposed.
 Historic Status: No historic record, vacant lot
Service Delivery District: 6
City Council District: 7
 Status: Pending
 Action to be Taken: Contained in staff report
 Finality of Decision: *Appealable to City Council*
For Further Information: Contact Robert D. Merkamp at (510) 238-6283 or by email: rmerkamp@oaklandnet.com

7. **Location:** 3420-26 Fruitvale Avenue (APN#028-0905-012-01)
 Proposal: Major Conditional Use Permit for Alcoholic Beverage Commercial Sales Activity in an existing grocery store..
 Applicant: Farmer Joe's Marketplace
Contact Person/Phone Number: Edward and Diane Tam (510)-919-8571
 Owner: David Seyranian
 Case File Number: CM05-150
 Planning Permits Required: Major Conditional Use Permit
 General Plan: Neighborhood Center
 Zoning: C-31
Environmental Determination: Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
 Historic Status: Non-Historic Property (NHP)
Service Delivery District:
City Council District: 4
 Status: Approve application with attached conditions.
 Action to be Taken: Pending
 Finality of Decision: *Appealable to City Council*
For Further Information: Contact case planner Jacob Graef at (510) 777-8672 or by email at jgraef@oaklandnet.com.



8.	Location:	1396 - 5 th Street (APN 004-0069-004-00)
	Proposal:	Construct a new mixed-use building containing 119 residential units and 3,790 sq. ft. of commercial space.
	Applicant:	Phillip Banta and Associates Architecture
	Contact Person/Phone Number:	Phillip Banta / (510) 654-3255
	Owner:	1396 5 th Street, LLC
	Case File Number:	CMDV05-166
	Planning Permits Required:	Regular Design Review to allow construction of a new building in the S-15 Zone; Interim Conditional Use Permit to apply the maximum density allowed under the General Plan; Minor Conditional Use Permit to allow off-street parking located on a another lot; Minor Variances to allow: 1) a building measuring 65 feet in height where 45 feet is the maximum allowed and 2) one courtyard with a width of 47 feet and a second courtyard with a width of 47 feet and 10 inches where 50 feet is the minimum width required
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	M-20 Light Industrial Zone; S-15 Transit-Oriented Development Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects
	Historic Status:	The site is currently vacant. The previous building located in the site (Red Star Yeast factory) was classified as a Potential Designated Historic Property (Survey rating: Eb-3). The previous building was recently demolished.
	Service Delivery District:	1
	City Council District:	3
	Status:	The application was previously reviewed by the Design Review Committee on April 27, 2005.
	Action to be Taken:	Decision on application based on staff report and public testimony
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Darin Ranelletti at (510) 238-3663 or by email at dranelletti@oaklandnet.com

APPEALS

The Commission will take testimony on each appeal. Following testimony, the Commission will vote on the report prepared by staff. Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision. If you challenge an appeal in court, you may be limited to raising only those issues raised at the appeal hearing, or in written correspondence received by the Zoning Division, Community and Economic Development Agency at, or prior to, the appeal hearing.



9. **Location:** Brookpark Road (Vacant lot located immediately southeast of 12950 Brookpark Road; APN 085-0105-040-00)
- Proposal:** Appeal of approval of Creek Protection Permit to allow construction of a new single-family dwelling on a vacant lot.
- Applicant/Owner:** G. Peter Romweber
- Contact Person/Phone Number:** G. Peter Romweber / (510) 530-5027
- Appellant:** Robert & Joyce Bobb
- Case File Number:** A05-213 (CP03-094)
- Planning Permits Required:** Special Residential Design Review (New Construction Checklist Procedure) to allow construction of a new single-family dwelling; Creek Protection Permit (Category III) to allow construction on a creekside property.
- General Plan:** Hillside Residential
- Zoning:** R-30 One-Family Residential Zone
- Environmental Determination:** An addendum to a previously adopted Mitigated Negative Declaration was prepared for this project.
- Historic Status:** No historic record (vacant lot)
- Service Delivery District:** 4
- City Council District:** 6
- Status:** The application for a Creek Protection Permit was approved by the Chief of Building Services on April 25, 2005. The approval was subsequently appealed by the appellant on May 5, 2005.
- Action to be Taken:** Decision on appeal based on staff report and public testimony
- Finality of Decision:** Final Decision
- For Further Information:** Contact case planner Darin Ranelletti at (510) 238-3663 or by email at dranelletti@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes December 15, 2004, May 4, 2005, June 1, 2005

Correspondence

City Council Actions:

OPEN FORUM

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

ADJOURNMENT By 10:30 P.M. unless a later time is agreed upon by a majority of Commissioners present.



A handwritten signature in cursive script, reading "Gary V. Patton".

GARY V. PATTON
Deputy Director of
Planning and Zoning

NEXT REGULAR MEETING: JULY 6, 2005

POLICIES AND PROCEDURES FOR CONDUCT OF CITY PLANNING COMMISSION MEETINGS

Revised and Adopted by the Commission on July 11, 2001

Timing of Meeting

1. Regular meetings will ordinarily convene the first and third Wednesday of each month at 6:30 p.m. The Commission Secretary, with the consent of the Chair, may schedule a special meeting and/or an afternoon session at a properly noticed time and location.
2. The Commission may have meal gatherings at a properly noticed time and location.
3. With the exception of Open Forum, a new item will not be called after 10:15 p.m., and meetings will adjourn no later than 10:30 p.m. unless the meeting is extended by the Chair with the consent of a majority of the Commissioners.
4. Agenda items will be called at the discretion of the Chair and not necessarily in the order as they are listed on the agenda. However, a matter identified as an 8:30 p.m. item shall not be called until 8:30 p.m. or later. As each matter is being heard the agenda number will be posted in front of the Planning Commission Secretary.
5. On items for which the public hearing has been closed, no new evidence may be submitted unless the public hearing is reopened by the Chair upon a determination by the Chair that additional evidence is necessary.

Speakers/Written Material

6. Speaker Cards: Persons wishing to address the Commission or wishing to submit written material at the hearing **should fill out a Speaker Card** and submit it to the Commission **Secretary prior to the convening of the meeting**, except for those matters designated as 8:30 p.m. items which must be submitted prior to 8:30 p.m. **Failure to timely fill out and submit a Speaker Card may result in the Chair not allowing testimony to be presented by the person wishing to address the Commission.**
7. Questions: The Commissioners may direct questions to the staff, applicant, appellant or persons present at the meeting who have submitted a Speaker Card.
8. Speakers: Individuals who have properly submitted cards have a right to address the Commission on the item on the agenda for which they have submitted a card when the item is called.
9. Comments: Comments should focus on the issues raised in the staff report or any other relevant issues related to the project or proposal before the Commission, including any recommended conditions of approval or findings. Speakers are requested to be as brief and concise as possible and to address questions posed by the Commissioners, not merely repeat the comments of previous speakers.
10. Order: Questions by Commissioners, if any, and then staff will be requested to provide a brief summary of each agenda item. Comments by staff should first address any question raised by a Commissioner and then address issues raised by opponents of the staff recommendation, if any. Thereafter, at the discretion of the Chair, the applicant and/or appellant shall be allowed to speak to present his or her project or arguments. Speakers for and against the project will be called in alternate sequence (i.e., a speaker for will be heard, then a speaker against, then a speaker for, etc...). Thereafter, speakers who are neutral and wish to comment will be called. After all other speakers have been heard, the applicant and/or appellant shall be allowed to use reserved time, if any, to rebut and/or to sum up. The Chair may modify the order of speakers and time limits as appropriate.
11. Time Limits: In setting time limits the Chair may take into account relevant factors including, but not limited to, the complexity of the matter, the level of interest in the item, and the length of the agenda. The staff report should generally not exceed three minutes. The applicant and/or appellant should generally be limited to five minutes and may reserve up to two minutes for rebuttal or to sum up. The Chair shall have the discretion to set time limits for all other speakers, which shall generally be limited to two minutes or less if there are six or less speakers on the item, and one minute or less if there are more than six speakers. Responding to questions from a Commissioner shall not be counted against time limits.
12. Ceding Time: Persons may cede their time to another speaker by identifying the person on the Speaker Card filed with the Commission Secretary in compliance with paragraph 6 above. A speaker who has ceded time must be present when the speaker who received his or her time is called to the podium or the speaker's time may not be extended. Regardless of the

amount of time ceded to a speaker, his or her time may not be extended to more than a maximum total of four minutes unless the Chair determines that a different time limit is appropriate.

13. Controversial/Complex Matters: Notwithstanding paragraphs 11 and 12 above, if there are more than eight speakers on a controversial or complex item, the Chair may ask the opposing sides to select a limited number of representatives to speak, usually three per side. The chair may set an individual time limit per speaker or an overall time limit for each side. Any person wishing to speak who feels he/she is not represented by these speakers, or who otherwise wishes to also speak, may address the Commission subject to a one minute or less time limit for individual speakers.
14. Open Forum: Time will be allotted at every meeting for Open Forum. This is a time when members of the public will have the opportunity to address the Commission on any items within the Commission's jurisdiction for two minutes or less if there are six or less speakers for Open Forum, and one minute or less if there are more than six speakers. All persons wishing to address the Commission under Open Forum are required to fill out a Speaker's Card and submit it to the Secretary prior to the convening of the meeting. Failure to timely fill out and submit a Speaker Card may result in the Chair not allowing the person to address the Commission at Open Forum. The Chair may impose reasonable, overall time limits for Open Forum as appropriate.
15. Decorum: Persons attending the meeting are expected to behave in a civil manner at all times. All persons should be treated with courtesy and respect. All remarks should be addressed to the Chair, not to other speakers or members of the audience. Applauding or other displays of approval or disapproval are inappropriate during City Planning Commission proceedings. Remarks should be limited to the merits of the matter before the Commission.
16. Safety: Aisles must be kept clear for fire safety reasons and for the comfort and convenience of all members of the audience. To accommodate the public, an overflow room with a television monitor may be set up or the meeting may be moved to the City Council chambers.
17. Written Material: Interested parties are encouraged to submit written material on any agenda item in advance of the meeting and prior to the close of the public hearing on the item. To allow for distribution to the Commissioners, staff, and the public, twenty copies of all material should be submitted. Material submitted at least ten days prior to the meeting may be included as part of the agenda packet; material submitted later will be distributed at or prior to the meeting. To ensure that material is distributed to Commissioners, it should be delivered to the Commission Secretary no later than 48 hours prior to the meeting, and preferably earlier.

Questions and Discussion by Commissioners

18. Prior to a staff report, the Chair may recognize Commissioners one-by-one to pose one or more general questions to the staff, applicant, appellant or speaker that the Commissioner would like addressed in the public hearing.
19. Prior to the close of the public hearing, the Chair may recognize Commissioners one-by-one to question any speaker, beginning at the Chair's far right and proceeding to the left. Each Commissioner may question each speaker once and should attempt to limit his/her question and answer period to one minute.
20. Once the public hearing has been closed, the Chair may recognize Commissioners one-by-one to make a statement, beginning at the Chair's far right and proceeding to the left. Each Commissioner may speak once and should attempt to limit his/her comments to two minutes. Commissioners may pass if they have no comments.
21. The Chair may waive these rules at his/her discretion to allow more interactive discussion if warranted.

Staff Reports

22. Staff Reports: Beginning with the September 5, 2001 Planning Commission meeting, staff reports should generally be available to the Commissioners and the public at least seven days prior to the meeting. Failure to provide the staff reports seven days prior to the meeting shall not preclude the Commission from considering and acting upon the matter. However, the Chair, at his or her discretion, may remove an item from the agenda when the staff report has not been provided within these time limits.

NOTE: NOTHING HEREIN IS INTENDED TO NOR DOES CREATE ANY LEGAL CAUSE OF ACTION FOR ANY ALLEGED OR ACTUAL VIOLATIONS OF THESE POLICIES AND PROCEDURES.

APPLICATIONS ON FILE
June 10, 2005

CITY OF OAKLAND
COMMUNITY & ECONOMIC DEVELOPMENT
AGENCY/Zoning Division
250 Frank H. Ogawa Plaza, 2nd Floor
Oakland, California 94612-2031

In addition to those applications listed on the City Planning Commission Agenda, the City has also received the applications included in this notice for review and action.

You have received this notice because our records indicate that you own property and/or reside near one of the project locations listed below or you have indicated your interest in one of the applications.

You may view the project applications and/or plans by contacting the case planner and visiting our offices. Your comments and/or questions regarding an application must be directed to the Community and Economic Development Agency – Zoning Division, to the attention of the designated case planner, and by the end of the 10-day public comment period:

June 20, 2005

A decision will be made on the application shortly after this date. If you challenge the application in court, you may be limited to issues raised in written correspondence or email and delivered to the Zoning Division on, or prior to the end of the 10-day public comment period as indicated above.

If you wish to be notified of the decision of any of these cases, please indicate the Case Number and submit a self-addressed stamped envelope for each case, to the Community and Economic Development Agency – Zoning Division, at the address indicated above.

Please help up achieve wider notification by alerting your friends and neighbors if you believe they would be interested in any or the cases listed below. Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or such descriptions may change prior to a decision being made.

- | | |
|-------------------------------------|---|
| 1. | Location: 521, 563, & 571 19 th Street (APN's 008-0642-001 through 015 – entire block of 0642) (6/3/05) |
| | Proposal: Merge 15 City owned parcels into three lots. |
| | Applicant: City of Oakland, Redevelopment Agency |
| Contact Person/Phone Number: | Esther Tam, (510)238-6169 |
| | Owner: City of Oakland |
| | Case File Number: PMW05-010 |
| Planning Permits Required: | Parcel Map Waiver for a lot merger. |
| | General Plan: Central Business District |
| | Zoning: C-55/S-17, Central Core Commercial District/ Downtown Residential Open Space Combining Zone |
| Environmental Determination: | Exempt, Section 15305(a) of the State CEQA Guidelines; minor lot line adjustments. |
| | Historic Status: Designated Historic Property(DHP); Rating: A1+ |
| Service Delivery District: | 1 |
| City Council District: | 3 |
| For further information: | Contact case planner Pete Vollmann at (510) 238-6167 or pvollman@oaklandnet.com |

2.	Location:	2203 Union Street (APN 005-0424-007-02) (3/24/05)
	Proposal:	Build a new office for a truck dispatch company. The site will contain truck parking.
	Applicant:	Rafael Quintero
Contact Person/Phone Number:		(510)839-7104
	Owner:	Rafael Quintero
	Case File Number:	CD05-134
	Planning Permits Required:	Minor Conditional Use permit for truck related activity and Regular Design Review for new construction.
	General Plan:	Business Mix
	Zoning:	M-30 General Industrial Zone; S-4 Design Review Combining Zone
Environmental Determination:		Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects
	Historic Status:	No Historic Record
Service Delivery District:		1
City Council District:		3
For further information:		Contact case planner Pete Vollmann at (510) 238-6167 or pvollman@oaklandnet.com

3.	Location:	6577 Valley View Road (APN 048G-7434-014-00) (3/24/05)
	Proposal:	Reconstruct the front portion of the house to create an accessible garage entry. The proposal includes an 1800 square foot addition to the single family dwelling.
	Applicant:	Rick Duchin
Contact Person/Phone Number:		(510)339-6627
	Owner:	Rick Duchin
	Case File Number:	VDRD05-136
	Planning Permits Required:	Minor Variance for building 2' from the front property line where 5' is required and Special Residential Design Review.
	General Plan:	Hillside Residential
	Zoning:	R-30 One-Family Residential Zone
Environmental Determination:		Exempt, Section 15301 of the State CEQA Guidelines; minor alterations to existing facilities
	Historic Status:	Not a Potentially Designated Historic Property; survey rating: F3
Service Delivery District:		2
City Council District:		4
For further information:		Contact case planner Pete Vollmann at (510) 238-6167 or pvollman@oaklandnet.com

4.	Location:	4736 Meldon Avenue (APN 036-2500-047-00) (4/6/05)
	Proposal:	Raise an existing single family dwelling by 4' to allow addition living space
	Applicant:	Charles Lewis Architect
Contact Person/Phone Number:		(510)708-9413
	Owner:	Valerie Fullove
	Case File Number:	VDRD05-156
	Planning Permits Required:	Special Residential Design Review for addition and alteration ; Minor Variances to raise the house by 4' within 4' of the rear property line where a 20' minimum setback is required
	General Plan:	Detached Unit Residential
	Zoning:	R-30 One- Family Residential Zone.

(continue on page 3)

(continue from page 2)

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; Construction of small structure.
Historic Status: Not a historic property
Service Delivery District: 5
City Council District: 4
For further information: Contact case planner **Jason Madani** at (510) 238-4790 or jsmadani@oaklandnet.com

5. **Location:** 265 Vernon Street (APN 010-0795-011-00) (04/12/05)
Proposal: To change the façade and front landscaping of an existing 44-unit apartment building.
Applicant: Kahn Design Associates
Owner: Robert E. Faussner
Contact Person/Phone Number: Sarah Emery
(510) 841-3555
Case File Number: CD05-167
Planning Permits Required: Minor Conditional Use Permit for a new 5'-11" fence within in the front yard setback area; Regular Design Review for exterior alterations.
General Plan: Urban Residential
Zoning: R-60 Medium-High Residential Zone / S-12 Residential Parking Combining Zone
Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; Existing Facilities
Historic Status: Not a Potential Designated Historic Property; Survey rating: F3
Service Delivery District: 3
City Council District: 3
For further information: Contact case planner **Andrew M. Smith** at (510) 238-6414 or asmith@oaklandnet.com

6. **Location:** 1461 Alice Street (APN 008-0626-014-00) (05/06/05)
Proposal: To legalize 18 efficiency dwelling units and add 9 more units for a total of 82 units at the site
Owner: Sarosh Kumana
Contact Person/Phone Number: Barbara Armstrong
(510)337-1998
Case File Numbers: DV05-214
Planning Permits Required: Minor Variances to waive required off-street parking and useable open space; Regular Design Review for residential projects with three or more units on one lot
General Plan: Central Business District
Zoning: R-90 Downtown Apartment Residential, S-17 Downtown Residential Usable Open Space
Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor alterations to existing facilities
Historic Status: Designated Historic Property (DHP); Survey rating: B+1+
Service Delivery District: Metro Downtown
City Council District: 3
For further information: Contact case planner **Maurice Brenyah-Addow** at (510) 238-6342 or mbrenyah@oaklandnet.com

9. **Location:** 1720 MacArthur (APN 023-0494-001-01) (5/19/05)
Proposal: To merge two parcels into one parcel and a Tentative Parcel Map for a one-lot subdivision to create three condominium units.
Applicant: Piedmont Housing Corporation
Contact Person/Phone Number: Kaori Tokunaga
(415)421-8605 x27
Owner: The Altenheim, Inc.
Case File Number: TPM-8733
Planning Permits Required: Lot Merger and a Tentative Parcel Map for a one-lot subdivision to create condominium units.
General Plan: Mixed Housing Residential
Zoning: R-50 Medium Density Residential Zone
Environmental Determination: Exempt, Section 15315 (Minor Land Divisions) of the State CEQA Guidelines; (Joint Initial Study and Environmental Assessment in support of a Mitigated Negative Declaration/Finding of No Significant Impact adopted January 5, 2005— CMDV04-240, ER04-008)

(continue on page 5)

(continue from page 4)

Historic Status: Potential Designated Historic Property (PDHP); Oakland Cultural Heritage Survey rating 'A' – Highest Importance; National Register Status – appears individually eligible.

Service Delivery District: 3

City Council District: 5

For further information: Contact case planner **Joann Pavlinec** at (510) 238-6344 or jpavlinec@oaklandnet.com

10. **Location:** 2631 11th Avenue (APN 022 -0343-002-01) (6/8/05)

Proposal: Improvements and renovations to Bella Vista Park.

Applicant: City of Oakland

Contact Person/Phone Number: Lily Soo Hoo
(510)238-6604

Owner: City of Oakland

Case File Number: CU05-287

Planning Permits Required: Minor Conditional Use Permit to alterations and additions to facilities at a public park, installing new playgrounds, and restrooms.

General Plan: Mixed Housing Type Residential

Zoning: OS (NP) Open Space, Neighborhood Park

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; Construction of small structure.

Historic Status: Not a historic property

Service Delivery District: 3

City Council District: 2

For further information: Contact case planner **Robert D. Merkamp** at (510) 238-6283 or rmerkamp@oaklandnet.com



Oakland City Planning Commission

DRAFT MINUTES

Mark McClure, Chair
Colland Jang, Vice Chair
Nicole Franklin
Clinton Killian
Suzie W. Lee
Michael Lighty
Anne Mudge

MAY 4, 2005
Regular Meeting

BUSINESS MEETING 6:30 P.M.

Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

ROLL CALL

Present: Franklin, Jang, Killian, Lee, Lighty, McClure, Mudge
Excused Absence:
Staff: Cappio, Patton, Thombs - CEDA Planning and Zoning
Faiz - City Attorney

WELCOME BY THE CHAIR

Chair McClure, welcomed all to the meeting and explained the conduct of meeting.

COMMISSION BUSINESS

Agenda Discussion

Director's Report:

Committee Reports

Commission Matters

City Attorney's Report

OPEN FORUM

Sanjiv Handa, East Bay News Service

PUBLIC HEARINGS

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.



1. **Location:** Kenilworth Road (off Strathmoor Drive, in the general area between Drury Road and Norfolk Road) (APN 048H-7615-007-00)
- Proposal:** The proposed project would provide for the construction of seven single-family dwellings by means of a Planned Unit Development (PUD). The proposed PUD includes the following components: (1) a tentative parcel map to subdivide four existing lots as follows: existing lot nos. 1 and 2 would be merged into one lot, existing lot no. 3 would remain, and existing lot no. 4 would be divided into four lots and a designated remainder for a total of seven lots; (2) development of the project site and footprints for seven custom-built, single-family residences, including parking, landscaping, and post-construction stormwater management facilities; (3) roadway improvements, including widening and paving the unpaved portion of Kenilworth Road; (4) wildland fire protection; (5) geotechnical stabilization of the site and of upslope properties; and (6) enhancement and protection of a small on-site wetland and drainage course, including establishment of a creek boundary conservation easement and (7) various other improvements incorporated as part of the project that address lighting, air quality, trees, archeological, seismic, erosion, hazardous materials, water quality, noise and solid waste.
- Applicant/Owner:** Eva Gero and David McDonald
- Contact Person/Phone Number:** David McDonald (707) 477-2389
- Case File Number:** **PUD 04-195, ER 040006, CP04068, TPM 8228**
- Planning Permits Required:** Planned Unit Development (PUD, Creek Protection Permit, and a Tentative Parcel Map to provide for the construction of seven single-family dwellings.
- General Plan:** Hillside Residential
- Zoning:** R-30, One-Family Residential Zone, S-14 Community Restoration Combining Zone, and S-18 Mediated Residential Design Review Combining Zone.
- Environmental Determination:** Exempt CEQA Guidelines Section 15332 Infill Development Project
- Historic Status:** Vacant Parcel – No Historic Status
- Service Delivery District:** II
- City Council District:** 1
- Status:** Continued from the April 20, 2005 Planning Commission Meeting
- Action to be Taken:** Action to be Taken based on Staff Report
- Finality of Decision:** Appeal able to City Council
- For Further Information:** Contact case planner Leigh McCullen at (510) 238-4977 or by email at lmccullen@oaklandnet.com

Leigh McCullen, case planner, reviewed the application.

Speakers:

Richard Grasetti
Fritz Guyer
Mark Madress
David McDonald

Jim Hillman
Claudia Cappio, CEDA
Ralph Kans

Public hearing closed.

Commissioner Mudge moved to affirm staff's environmental determination and approve the Planned Unit Development, Tentative Parcel Map, and Creek Permit subject to the attached findings and conditions, seconded by Commissioner Franklin.

ACTION: On the motion: 6 ayes (Franklin, Jang, Killian, Lee, McClure, Mudge), 1 abstension (Lighty), Motion approved.



2. **Location:** 2912 East 17th Street

Assessors Parcel Number: 025-0724-010-00

Proposal: To construct one additional dwelling unit in the basement level of an existing two-family dwelling (duplex).

Applicant: T. Nghia Lu
T. Nghia Lu

Contact Person/Phone Number: (510) 533-0749

Owner: Quan & Julie Lu

Case File Number: CMD05-109

Planning Permits Required: Major Conditional Use Permit to allow a total of three dwelling units in the R-40 Zone, Regular Design Review for a residential addition.

General Plan: Mixed Housing Type Residential

Zoning: R-40 Garden Apartment Residential Zone

Environmental Determination: Exempt, Section 15301 (Existing Facilities) of the State CEQA Guidelines

Historic Status: Potential Designated Historic Property (PDHP); Survey rating: Dc3

Service Delivery District: 4

City Council District: 5

Status: Pending

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

Finality of Decision: Appeasable to City Council

For Further Information: Contact case planner Andrew M. Smith at 510-238-6414.

Andrew Smith, case planner, reviewed the application.

No speakers

Public hearing closed.

Commissioner Franklin moved to affirm staff's environmental determination, and approve the Major Conditional Use Permit and Design Review application subject to the attached findings and conditions, seconded by Commissioner Mudge.

ACTION: On the motion: 7 ayes (Franklin, Jang, Killian, Lee, McClure, Lighty, Mudge), Motion approved.



3.	Location:	2715 Adeline Street, 2700 Magnolia Street & 1173 28 th Street (APN's: 005-0446-001-01, 005-0446-001-02 & 005-0446-008-01)
	Proposal:	New Construction of 39 Residential Units and 23 Live Work Units, while retaining the façade of the Coast Sausage Building at 2715 Adeline Street.
	Applicant:	Francis Rush
	Contact Person/Phone Number:	(510) 763-7165
	Owner:	Francis Rush
	Case File Number:	CMDV04-557 & DET05-023
	Planning Permits Required:	Major Design Review for new construction in excess of 25,000 square feet, Minor Conditional Use Permit for Live/Work, Interim Conditional Use permit for Residential Uses in the M-20 Zone by using the Housing and Business Mix General Plan, and Minor Variances to allow reduced parking (69 spaces required; 62 proposed) and driveway separation (25'0" required; 20'0" & 8'0" proposed).
	General Plan:	Housing and Business Mix ***A General Plan Determination has been made by the Director of Planning that the subject parcels best conform to the adjacent Housing and Business Mix General Plan Area rather than the Business Mix General Plan Area as mapped on the Land Use Diagram.***
	Zoning:	M-20/S-16, Light Industrial Zone/ Industrial Residential Transition Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in fill development projects.
	Historic Status:	Potentially Designated Historic Property(PDHP); rating: *d3
	Service Delivery District:	I – West Oakland
	City Council District:	3
	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 .

Peterson Vollmann, case planner, reviewed the application.

Speakers:

Francis Rush
John Seragarde

Public hearing closed.

Commissioner Jang moved to affirm staff's environmental determination, and approve the Major Design Review, and Minor Variances and Interim Conditional Use Permit subject to the attached findings and conditions, seconded by Commissioner McClure.

ACTION: On the motion: 7 ayes (Jang, Killian, Lee, McClure, Lighty, Mudge, Franklin), Motion approved.



4.	Location: 4395 Piedmont Avenue (APN: 013-1116-002-00)
	Proposal: New Construction of a mixed use building including 26 residential condominium units and ground floor retail.
	Applicant: Kirk Peterson
Contact Person/Phone Number:	(510) 547-0257
	Owner: 4395 Piedmont Avenue LLC
	Case File Number: VMD05-107 & TPM-8700
Planning Permits Required:	Major Design Review for building in excess of 25,000 square feet, and Minor Variances for height (35'0" allowed; 40'0" proposed), courtyard width, and roof top open space (20% maximum of total; 33% of total proposed). Tentative Parcel Map for new condominiums.
	General Plan: Neighborhood Center Mixed Use
	Zoning: C-31/S-18, Special Retail Commercial Zone/ Mediated Design Review Zone
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in fill development projects.
	Historic Status: Vacant Lot
Service Delivery District:	II – North Oakland
City Council District:	1
	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 .

Peterson Vollmann, case planner, reviewed the application.

Speakers:

John Protopapas
Kirk Peterson
Joyce Roy
Simon Porter
Brad Solo

Timothy Holms
Ms. Wicks
Christopher Marshall
Valarie Winemiller

Public hearing closed.

Commissioner Jang moved to affirm staff's environmental determination, and approve the Major Design Review, and Minor Variances and Tentative Parcel Map subject to the attached findings and conditions, seconded by Commissioner McClure.

ACTION: On the motion: 7 ayes (Franklin, Jang, Killian, Lee, McClure, Lighty, Mudge), Motion approved.



5.	Location: 1640 Broadway (Northeast Corner) (see map on the reverse) (APN:008-0622-001-03; 008-0622-001-04; 008-0622-001-05)
	Proposal: Re-approval of a previous Conditional Use Permit (Case File CMDV04-249) to allow construction of a 254-unit residential high-rise building with approximately 4,710 square feet of ground floor commercial space and 326 parking spaces.
	Applicant: 1640 Broadway Associates
	Contact Person/Phone Number: Margaret Cafarelli / (510) 594-8811
	Owner: 1640 Broadway Associates
	Case File Number: CMDV05-118
	Planning Permits Required: Re-approval of the Interim Conditional Use Permit to allow density pursuant to the guidelines for General Plan Conformity.
	General Plan: Central Business District
	Zoning: C-55 Central Core Commercial Zone S-8 Urban Street Combining Zone
	Environmental Determination: A Final Environmental Impact Report was certified on October 4, 2000. On October 3, 2001, the Planning Commission adopted Environmental Determination Findings pursuant to CEQA Section 15162 that no substantial changes have occurred and no new impacts were identified by the all residential project (Case File REV01-007). Staff reviewed an updated traffic study and determined that the no new no substantial changes have occurred and no new impacts were identified by the re-approval of the project.
	Historic Status: Non-historic property (NHP); survey rating N/A
	Service Delivery District: Downtown Metro
	City Council District: 3
	Status: Pending
	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 Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com .

Heather Klein, case planner, reviewed the application.

Speakers:

Margaret Cafarelli, representing the applicant
Cynthia Shartzner

Public hearing closed.

Commissioner Franklin moved to Adopt the Environmental Determination Findings pursuant to CEQA Section 21166 and CEQA Guidelines Section 15162 and 15163 that none of the circumstances requiring preparation of a subsequent or supplemental EIR are present and that no further environmental review is required; and re-approve the project and the Interim Conditional Use Permit, and Minor Variance subject to the Conditions of Approval, Mitigation Measures, and based on the attached Findings, Conditions of approval amended to include; the final design to go back to design review, seconded by Commissioner Lighty.

ACTION: On the motion: 6 ayes (Franklin, Jang, Killian, Lee, McClure, Lighty, Mudge), 1 absent (Killian), Motion approved.



6.	Location:	574 48 th Street (see map on the reverse) (APN: 013 -1162-011-00)
	Proposal:	Demolition of an existing multi-family structure and construction of a 4-story building containing 12 residential units.
	Applicant:	Project 574
	Contact Person/Phone Number:	Holly Hoover Cook / (510) 547-1398
	Owner:	Roy and Judith Alper
	Case File Number:	CMDV04-552; TPM8567
	Planning Permits Required:	Interim Conditional Use Permit for residential density that exceeds the present zoning but is consistent with the General Plan, Major Conditional Use Permit for more than seven units in the R-70 "Best Fit" zone, Minor Variances for the front yard setback, projections into the front yard setback; the amount of total open space; the location of open space; Design Review; and a Subdivision Map.
	General Plan:	Urban Residential
	Zoning:	R-50 Medium Density Residential Zone S-Mediated Design Review Combining Zone
	Environmental Determination:	Infill Exemption; CEQA Guidelines Section 15332
	Historic Status:	The existing building is not a Potentially Designated Historic Property (PDHP); Survey rating: X.
	Service Delivery District:	II-North Oakland
	City Council District:	1
	Status:	Pending
	Action to be Taken:	Decision to be based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.

Heather Klein, case planner, reviewed the application.

Speakers:

Roy Alper

Public hearing closed.

Commissioner Lighty moved to affirm staff's environmental determination for Infill Exemption, under CEQA Section 15332, and approve the Interim, Major, and Minor Conditional Use Permits; the Minor Variances for the front yard setback; projections into the front yard setback; the amount of total open space; parking space dimensions; and Design Review for the project, subject to the attached findings and conditions of approval, seconded by Commissioner McClure.

ACTION: On the motion: 6 ayes (Franklin, Jang, Killian, Lee, McClure, Lighty, Mudge), 1 absent (Killian), Motion approved.



APPEALS

7.	Location:	9241 Golf Links Road (043A-4758-028-06)
	Proposal:	Appeal of the Zoning Administrator's denial of a Tentative Parcel Map to subdivide a 22,633square foot lot into three lots.
	Owner:	Tanya J. Garibaldi
	Contact Person/Phone Number:	David Claydon (925) 946-9321
	Case File Number:	A05-100 (Appeal of TPM8392)
	Planning Permits Required:	Appeal of the Zoning Administrator's denial of a Tentative Parcel Map to subdivide a 22,633 square foot lot improved with a single-family into three lots to provide for the construct of two single-family dwellings.
	General Plan:	Detached Unit Residential
	Zoning:	R-30 One Family Residential Zone
	Environmental Determination:	No Determination, Section 15270 of the State CEQA Guidelines
	Historic Status:	Not a Potentially Designated Historic Property, Survey Rating D3
	Service Delivery District:	VI
	City Council District:	7
	Status:	Continued from the April 20, 2005 Planning Commission Meeting
	Action to be Taken:	Decision on application based on staff report.
	Finality of Decision:	Final
	For Further Information:	Contact case planner Leigh McCullen at (510) 238-4977 or by email at lmccullen@oaklandnet.com

Continued indefinitely

8.	Location:	7321 Skyline (see map on the reverse)
		APN: 048F-7377-030-01 and 048F-7377-030-02
	Proposal:	Appeal of an approval to adjust lot lines between 2 parcels (Case File Number PMW04-033).
	Applicant:	Glen Oaks Way Neighborhood Association
	Contact Person/Phone Number:	Diane Richards / (510) 594-8811
	Owner:	Hugh Duggan
	Case File Number:	A05-117
	Planning Permits Required:	Appeal of an administrative decision to approve a Parcel Map Waiver for the adjustment of lot lines between 2 parcels.
	General Plan:	Hillside Residential
	Zoning:	R-30 One Family Residential Zone S-10 Scenic Route Combining Zone S-11 Site Development and Design Review Combining Zone
	Environmental Determination:	Ministerial Project Exemption, CEQA Guidelines Section 15268; Minor Alterations in Land Use Limitations Exemption, Section 15305; and Infill Exemption, Section 15322
	Historic Status:	The structure fronting onto Skyline Boulevard is not a Potentially Designated Historic Property (PDHP). The parcel fronting onto Glen Oaks Way is vacant.
	Service Delivery District:	II-North Oakland
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Decision to be based on staff report
	Finality of Decision:	<i>Final Decision</i>
	For Further Information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com .

Heather Klein, case planner, reviewed the appeal.

Speakers:



James Williams, Chief Deputy Fire Marshall
Diane Richards
Hugh Duggen
Panos Lagos
Ernie Isola
Rodney Reed
David Bowen

Public hearing closed.

Commissioner Lighty moved to uphold the appeal, seconded by Commissioner McClure.

ACTION: On the motion: 2 ayes (Lighty, McClure) 5 noes (Franklin, Jang, Killian, Lee, Mudge), Motion failed.

Commissioner Mudge moved to affirm staff's environmental determination for the Ministerial Project Exemption under CEQA Section 15268; Minor Alterations in Land Use Limitations Exemption Section 15305; and Infill Exemption, Section 15322 and Deny the Appeal and uphold the Zoning Administrator's Parcel Map Waiver approval based on the attached findings and subject to the conditions of approval contained in the attached Zoning Administrator letter dated March 3, 2005, seconded by Commissioner Lee.

ACTION: On the motion: 5 ayes (Franklin, Jang, Killian, Lee, Mudge), 2 noes (Lighty, McClure), Motion approved.

COMMISSION BUSINESS

Minutes Approved: February 2, 2005, February 16, 2005, March 2, 2005

Correspondence

City Council Actions:

OPEN FORUM

ADJOURNMENT 10:30 PM

GARY V. PATTON
Deputy Director of
Planning and Zoning



Mark McClure, Chair
Colland Jang, Vice Chair
Nicole Franklin
Clinton Killian
Suzie W. Lee
Michael Lighty
Anne Mudge

JUNE 1, 2005
Regular Meeting

BUSINESS MEETING 5:30 P.M.

Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

ROLL CALL

Present: Franklin, Jang, Killian, Lee, Lighty, McClure, Mudge
Excused Absence:
Staff: Cappio, Patton, Thombs - CEDA Planning and Zoning
Wald, Lee - City Attorney

WELCOME BY THE CHAIR

Chair McClure, welcomed all to the meeting and explained the conduct of meeting.

COMMISSION BUSINESS

Agenda Discussion

Director's Report: **Residential/Industrial Conversion Report** - Margot Prado-Lederer

Public Speakers:

Sanjiv Handa, East Bay News Service
Marianne Dreisbach
Marc Witt
Robb Smtih
Bob Tuck
Dave Johnson
Richard Sutherland

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.



Robert Schwartz
Gregory Hunter, City of Oakland
Mathew Davis, Port of Oakland

Committee Reports none appearing

Commission Matters none appearing

City Attorney's Report none appearing

OPEN FORUM

Sanjiv Handa, East bay News Service

CONSENT CALENDAR

Commissioner Lighty moved approval of items 3, 4 and 6 on the Consent Calender, seconded by Commissioner McClure.

ACTION: On the motion: 6 ayes (Jang, Killian, Lee, McClure, Lighty, Mudge), 1 absent (Franklin), Motion approved

- | | |
|-----------|---|
| 1. | Location: 600 Thomas L Berkley Way (see map on the reverse)
(TPM7541 Parcel 2; Previously APN: 008-0645-024-00, and
008-0645-025-00, and 008-0645-015-01) |
| | Proposal: Construction of a 4-story parking garage containing 155 parking spaces
dedicated to the North County Center of Self Sufficiency and 125 parking
spaces for public use until the spaces are dedicated to the future residential
units anticipated for the project site. |
| | Applicant: Strategic Urban Development Alliance |
| | Contact Person/Phone Number: Alan Dones / (510) 594-8811 |
| | Owner: North County Center of Self Sufficiency Corporation (NCCSSC) |
| | Case File Number: CMD05-145 |
| | Planning Permits Required: Major Conditional Use Permit for auto-fee parking and Design Review. |
| | General Plan: Central Business District |
| | Zoning: C-51 Central Business Service Commercial Zone
S-17 Downtown Open Space Combining Zone |
| | Environmental Determination: An Environmental Impact Report (EIR) was certified by the Alameda County
Board of Supervisors in December 23, 2003. This EIR included a Maximum
Parking alternative that provided 474 spaces in an 8-story parking garage.
Staff reviewed the project and determined that the no further environmental
review is required for the 4-story parking garage. |
| | Historic Status: The parcel is vacant. |
| | Service Delivery District: Downtown Metro |
| | City Council District: 3 |
| | Status: Staff Report (findings contained) |
| | Action to be Taken: Decision based on staff report |
| | Finality of Decision: Appeasable to City Council within 10 days |
| | For Further Information: Contact case planner Heather Klein at 510 238-3659 or by e-mail at
hklein@oaklandnet.com. |



Item 1 removed from the Consent Calendar.

Heather Klein, case planner, reviewed the application and proposed changes to the report.

Speakers:

Llewellyn Thompson, Buttner Properties
Sanjiv Handa, East Bay News Service

Public hearing closed.

Mudge moved to adopt Environmental Determination Findings pursuant to CEQA section 21166 and CEQA Guidelines Section 15162 and 15163 that none of the circumstances requiring preparation of a subsequent or supplemental EIR are present and that no further environmental review is required; and approve the Major Conditional Use Permit for off-street parking facilities in the C-51 zone serving fifty (50) or more vehicles and for fir auto parking, subject to the Conditions of Approval and the previously approved Mitigation Monitoring Program, abased on the attached finding, seconded by Commissioner Jang.

ACTION: On the motion: Sayes (Jang, Killian, McClure, Lighty, Mudge), I noe (Lee)1 absent (Franklin), Motion approved.

2.	Location:	Siena Hill (off of Keller Avenue, between Greenridge Drive and Rilea Way)
		APN: 040A-3457-033-01
	Proposal:	To subdivide a 3.86 parcel into 32 lots with an average lot size of 5,300 sq. ft.
	Applicant:	Edward Patmont / (925) 946-0583
	Owner:	Hillside Homes Group Inc.
	Planning Permits Required:	Tentative Tract Map for a 32-lot subdivision and minor variances for street design standards.
	General Plan:	Detached Unit Residential
	Zoning:	R-50 Medium Density Residential
	Environmental Determination:	The Final EIR was certified on March 2, 2005.
	Historic Status:	The project site is vacant.
	Service Delivery District:	IV-Fruitvale
	City Council District:	6
	For further information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.

Item 2 removed from the Consent Calendar.

Heather Klein, case planner, reviewed the application.

Speaker:

Edward Patmont, applicant

Public hearing closed.

Commissioner Mudge moved to approve the Tentative Tract Map for the project, including variances for the minimum street width and minimum side walk standards, subject to the conditions of approval set forth in the staff report and the findings required by the Subdivision Map Act and the City Subdivision Ordinance, seconded by Commissioner Lee



ACTION: On the motion: 5 ayes (Jang, Killian, McClure, Lighty, Mudge), 2 absent (Franklin, Lee)
Motion approved.

3.	Location:	434 North Street
	Assessors Parcel Numbers:	016-1401-007-00
	Proposal:	Construct a new two-story single-family dwelling containing approximately 1,427 square feet of floor area on a lot containing an existing 1,024 square-foot single-family dwelling for a total of two residential units on the lot.
	Applicant:	Eli Israel
	Contact Person/Phone Number:	Eli Israel (415) 302-0829
	Owners:	Eli Israel & Michelle Medeiros
	Case File Number:	CMD05-044
	Planning Permits Required:	Major Conditional Use Permit to allow two residential units on a lot in the R-35 Zone; Regular Design Review to allow construction of a new building in the S-18 Zone in conjunction with a conditional use permit
	General Plan:	Mixed Housing Type Residential
	Zoning:	R-35 Special One-Family Residential Zone; S-18 Mediated Residential Design Review Combining Zone
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; new construction or conversion of small structures
	Historic Status:	Potential Designated Historic Property (PDHP); Survey rating: D2+
	Service Delivery District:	2
	City Council District:	1
	Status:	Pending
	Action to be Taken:	Decision on application
	Finality of Decision:	Appeasable to City Council
	For further information:	Contact the case planner, Darin Ranelletti, Planner III , at (510) 238-3663 or by e-mail at dranelletti@oaklandnet.com .

Approved on the Consent Calendar.



4.	Location:	Citywide
	Proposal:	Public hearing to consider recommending: (1) approval of a Negative Declaration for the updated Noise Element of the Oakland General Plan; and (2) adoption of the Noise Element
	Applicant:	City of Oakland
	Case file number:	GP05-141/ER05-0006
	Environmental determination:	A proposed Negative Declaration (supported by an initial study) was circulated for public comment from March 30, 2005 to April 20, 2005
	Action to be taken:	Recommendation to the City Council for approval of the Negative Declaration and adoption of the Noise Element (based on staff report)
	Finality of decision:	The Planning Commission advises the City Council, which is the final decision-making body for approval of the negative declaration and adoption of the noise element
	For further information:	Contact project manager Niko Letunic at (510) 238-6657 or at nletunic@oaklandnet.com

Approved on the Consent Calendar.



Note: Commissioner Franklin arrived at 6:50 PM

5.	Location:	6465 San Pablo Avenue (016-1505-001-00)
	Proposal:	Construct a 56,490 square foot mixed use building containing 30 dwelling units, 2,268 square feet of ground floor commercial space, and podium parking.
	Applicant:	Paul Parkman
	Contact Person/Phone Number:	Paul Parkman (510) 610-7867
	Case File Number:	DV05-163
	Planning Permits Required:	Minor Interim Conditional Use Permit to apply the General Plan Floor Area Ratio of 5.0, Minor Variances for a 0'00" rear yard setback where 10'00" is required, a street side yard of 0'00" where 10'00" is required and to allow 50% of the parking spaces to be compact, and Regular Design Review for new construction in excess of 25,000 square feet
	General Plan:	Community Commercial
	Zoning:	C-30 District Thoroughfare Commercial Zone, S-18 Mediated Review Combining Zone
	Environmental Determination:	Exempt 15332; State CEQA Guidelines, Infill Development Project
	Historic Status:	Not a Potentially Designated Historic Property. Survey Rating: X
	Service Delivery District:	II
	City Council District:	2
	Status:	Pending
	Action to be Taken:	Action to be Taken based on Staff Report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Leigh McCullen at (510) 238-4977 or by email at lmccullen@oaklandnet.com

Leigh McCullen, case planner, reviewed the application.

Speakers:

Sean Poredo
Heiji Horde
Paul Parkman

Josephine Lee
Sanjiv Handa, East Bay News Service
Christina Balch

Public hearing closed.

Commissioner Lighty moved to affirm staff's environmental determination and approve the Conditional Use Permit, Variance and Design Review subject to the attached findings and conditions as modified, seconded by Commissioner Mudge

ACTION: On the motion: 7 ayes (Franklin, Jang, Killian, McClure, Lighty, Lee, Mudge), Motion approved.



6. **Location:** 341 – 351 Henry Street and 348 – 352 Lewis Street (See map on reverse)
- Proposal:** Extension of an approval to legalize eight living units within an existing 16 unit residential development. The development was legally constructed to contain eight units and was subsequently converted to 16 without the benefit of permits.
- Applicant:** Thomas Dolan Architecture
- Contact Person/Phone Number:** (510)839-7200
- Owner:** Bruce Beasley
- Case File Number:** CMDV02-568
- Planning Permits Required:** Original application was for a Major Variance for a density higher than allowed in the R-36 Zone and within the Mixed Housing Type Residential General Plan Classification. Minor Variance for required parking (24 required; 8 proposed). Major Conditional Use Permit for more than two units in the R-36, Small Lot Residential Zone. Minor Variance for open space (4,800 square feet required for entire project, 4,580 square feet proposed; all required to be on same lot, shared open space on two lots proposed)
- General Plan:** Mixed Housing Type Residential
- Zoning:** R-36 Small Lot Residential Zone
- Environmental Determination:** Exempt, Section 15332, State CEQA Guidelines, Infill Development
- Historic Status:** Non-historic Property (NHP)
- Service Delivery District:** I – West Oakland
- City Council District:** 3
- Status:** Originally approved by the Planning Commission March 19, 2003 (Vote: 6-0).
- Action to be Taken:** Approval of an extension of approved plans.
- Finality of Decision:** Appealable to City Council
- For Further Information:** Contact case planner Neil Gray at (510) 238-3878 or by email: ngray@oaklandnet.com

Approved on the Consent Calendar.



PUBLIC HEARINGS

7.	Location:	200 Harrison Street (APN 001-0151-005 & 006) (4/18/05)
	Proposal:	To establish an Emergency Shelter Residential Activity for 30 young adults within an existing structure.
	Applicant:	George L. Lozano, Covenant House California
	Contact Person/Phone Number:	George L. Lozano, (323) 461-1331
	Owner:	We the People Legal Foundation Inc. and Edmund G. Brown Jr.,
	Case File Number:	CM05-178
	Planning Permits Required:	Major Conditional Use Permit
	General Plan:	Estuary Plan, Mixed Use District
	Zoning:	C-45 Community Shopping Commercial and S-4 Design Review Combining Zones
	Environmental Determination:	Exempt, 15301 State CEQA Guidelines: minor alterations to existing facilities
	Historic Status:	Not a Potentially Designated Historic Property
	Service Delivery District:	Metro
	City Council District:	3
	Status:	Pending
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appeal able to City Council
	For Further Information:	Contact case planner Chris Candell at (510) 238-6986 or by email: ccandell@oaklandnet.com

Chris Candell, case planner, reviewed the application.

Speakers:

Zack Wasserman	George Lozano
Joanna Adler	Christopher Invenity
Lynne Hutting	Kristine Omeara
Barbara Lafitte-Oluwolf	Gerald Garzon
Michael Ghielmetti	Robinson Brown
Mark Seller	Melissa Howden
Ben De Laney	Darios Mojaled
Warren Vegas	Amy Freeman
Father John Direen	Marianne Dreisbach
Gary A. Hill	Clifton Allen
Simon Waddington	Richard R. Pello
Mary Lou Stelly	Deno Gianopoulos
Sanjiv Handa, East Bay News Service	

Public hearing closed.

Commissioner Mudge moved to affirm staff's environmental determination under CEQA guidelines Section 15301 (Categorical Exemptions) and approve the Major Conditional Use Permit subject to the attached findings and conditions as amended, seconded by Commissioner McClure.

ACTION: On the motion: 7 ayes (Franklin, Jang, Killian, Lee, McClure, Lighty, Mudge), Motion approved.



8. **Location:** Citywide
- Proposal:** Public hearing to consider recommending amendment of the *Land Use and Transportation (LUTE)* element of the Oakland General Plan by: (1) amending Policy a3 of the *LUTE* by removing the limitation that General Plan Amendments may only occur during three distinct cycles per year and make City policy consistent with state law (which allows four annual amendments per mandatory General Plan Element); and (2) adopting language to clarify that the General Plan contains competing policies, which must be balanced when individual projects are considered by the City
- Applicant:** City of Oakland Planning Commission
- Case file number:** GP05-152
- Environmental determination:** The proposed amendments to the General Plan are not subject to environmental review under the California Environmental Quality Act since there is no possibility of a significant environmental effect (general rule; CEQA Guidelines §15061(b)(3))
- Action to be taken:** Recommendation to the City Council for approval of the proposed General Plan amendments (based on staff report)
- Finality of decision:** The Planning Commission advises the City Council, which is the final decision-making body for approval of General Plan amendments
- For further information:** Contact project manager **Niko Letunic** at (510) 238-6657 or at nletunic@oaklandnet.com

Speakers:
Sanjiv Handa, East Bay News Service

Public hearing closed.

Commissioner Killian moved to recommend adoption of the proposed General Plan amendments to the City Council, seconded by Commissioner Mudge

ACTION: On the motion: 6 ayes (Franklin, Jang, Killian, Lee, McClure, Mudge), 1 noe (Lighty), Motion approved.



9. **Location:** Nine block site in the Uptown District of the downtown. Blocks 1-6 are generally bounded by Thomas L. Berkley Way (20th Street), Telegraph Avenue, 18th Street, and San Pablo Avenue. Blocks 7, 8, and 8a are located on the north side of Thomas L. Berkley Way (20th Street); Block 7 is west of Telegraph Avenue and Blocks 8 and 8a are east of Telegraph Avenue.
- Proposal:** Consider a proposed Planned Unit Development (PUD) for the phased redevelopment of the site with a mixed-use project including up to 665 apartments, 9,000 square feet of commercial space, 533 structured parking spaces, and a 25,000 square foot public park. As part of PUD consideration, consider a Major Conditional Use Permit (CUP) for development greater than 100,000 square feet, minor variances from development standards, a Vesting Tentative Map (VTM) to create new developable parcels. Provide a recommendation to the City Council regarding a proposed General Plan Amendment (GPA) and rezone to allow development of the proposed City park, as well as regarding the proposed street vacations and dedications. Confirm adequacy of Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA).
- Project Sponsor:** Forest City Development
- Owner(s):** Oakland Redevelopment Agency.
- Case File Number(s):** PUD05037; TTM7616;
GP05105;
RZ05106
PUDF05047
CMV05197
ER03-0007, ZP03-0122
- Planning Permits Required:** PUD (preliminary and final), Major CUP, Minor Variance, VTM, Final Map, GPA, Rezone.
- General Plan:** Central Business District
- Zoning:** C-51 Central Business Service Commercial Zone/C-55 Central Core Commercial Zone /S-17 Downtown Residential Open Space Combining Zone
- Environmental Determination:** The EIR was certified on February 18, 2004 by the Planning Commission.
- Historic Status:** Site includes four historic buildings with ratings ranging from B to Dc, and a portion of one historic district rated ASI.
- Service Delivery District:** I – Downtown/West Oakland/Harbor
- City Council District:** 3
- Status:** City Council to consider amendment to the Disposition and Development Agreement, General Plan Amendment, Rezone, Street Vacations, Street Dedications and Final Map
- Action to be Taken:** Approve PUD, Major CUP, Minor Variance, VTM. Make recommendation to City Council for General Plan Amendment and Rezone, street vacations and dedications.
- Finality of Decision:** Appealable to City Council
- For further information:** Contact Catherine Payne at 510-238-6168 or by e-mail at lwarnar@oaklandnet.com

Catherine Payne, case planner, reviewed the application.

Speakers:

Jens Hillmer

Ernie Vasques

Dan Vandepriem

Phil Tagami

Sanjiv Handa, East Bay News Service

Susan Smart

Valerie Winemiller

Llewelyn Thompson

Joyce Roy



Public hearing closed.

Commissioner McClure moved that the Planning Commission:

- Find that the Planning Commission has independently reviewed, analyzed, and considered the EIR prior to acting on the approvals. Based upon such independent review, analysis, and consideration, and exercising its independent judgment, the Planning Commission confirms that the Uptown Mixed Use Project EIR can be applied to this set of proposed actions; and
- Adopt the attached Conditions of Approval for the proposed project including the Mitigation Monitoring and Reporting Program. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the MMRP. Adoption of this program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland or other identified public agencies of responsibility as set forth in the conditions of approval and the MMRP; and
- Approve the Preliminary Planned Unit Development for the Uptown Project (Parcels 1, 2, 3, and park), the Final Planned Unit Development for Parcels 1, 2, 3 and park, Design Review, Conditional use Permit and Variance applications subject to the attached findings and conditions of approval; and
- Approve the Vesting Tentative Map subject to the attached findings and conditions of approval; and
- Find that the proposed street vacations are consistent with the General Plan and recommend that the City Council adopt an ordinance to conditionally vacate portions of Thomas L. Berkley Way, Williams Street, and 19th Street between San Pablo Avenue and Telegraph Avenue and quit claiming the underlying fee interests in the vacated rights-of-way to the Oakland Redevelopment Agency; and
- Recommend that the City Council adopt a resolution to change the General Plan designation of a 25,000 square-foot site located in the middle of the block bounded by San Pablo Avenue to the west, Thomas L. Berkley Way to the north, Telegraph Avenue to the east and 19th Street to the south, from Central Business District to Park and Urban Open Space, and adopt an ordinance to rezone the same site from C-51 Central Business Service District/S-17 Downtown Residential Open Space Combining Zone to OS Open Space (Neighborhood Park).

Motion seconded by Commissioner Franklin.

ACTION: On the motion: 6 ayes (Franklin, Jang, Killian, Lee, McClure, Mudge), 1 noe Lighty, Motion approved.



10.	Location:	1111-1199 Pine Street, West Oakland APN 006-0029-002-00
	Proposal:	Public Hearing on the Final PDP/FDP approval for the conversion of the Pacific Coast Canning Company warehouse to 110 warehouse lofts; new construction of 41 live/work façade lofts and 14 courtyard townhouse lofts; and construction of a 243 parking garage
	Applicant:	PCL Associates, LLC
	Contact Person/Phone Number:	Alex Waterbury (510) 547-2122
	Owner:	Holliday Development
	Case File Number:	ER 03-0023, GP 04-545, RZ 04-544, CDET 04-032, VTPM 8551 – 8555, PUD 05-014
	Planning Permits Required:	Planned Unit Development (Preliminary Development Plan and Final Development Plan), Design Review
	General Plan:	Business Mix (General Plan Amendment pending)
	Zoning:	M-30/S-16/S-4 (General Industrial/Industrial-Residential Transition/Design Review Combining Zone) [Rezoning Amendment pending]
	Environmental Determination:	Final Environmental Impact Report Published February 7, 2005.
	Historic Status:	A potentially designated historic property (PDHP), ASI contributor of secondary importance (Cb+2+)
	Service Delivery District:	West Oakland 1
	City Council District:	3, Nancy Nadel
	Status:	Recommendations submitted by Design Review Committee and Landmarks Preservation Advisory Board
	Action to be Taken:	Final decision pending approval of the Wood Street Project (General Plan Amendment, Adoption of the Wood Street Zoning District, Designation of the Wood Street Zoning District on the zoning map)
	Finality of Decision:	N/A
	For Further Information:	Contact case planner Margaret Stanzione at (510) 238-4932, mstanzione@oaklandnet.com or Claudia Cappio at (510) 238-2229, ccappio@oaklandnet.com

Continued to June 15, 2005



11.	Location:	1807-1829 Telegraph Avenue – Fox Oakland Theater and Building APN 008-0642-001-00
	Proposal:	Rehabilitation of the Oakland Fox Theater to establish a cabaret-style venue; rehabilitation of the one to three-story wrap-around building for the Oakland School for the Arts; second and third story +/-20,000 sq. ft. addition, located above the one-story portions of the wrap-around building for the Oakland School for the Arts.
	Applicant:	City of Oakland
	General Plan:	Central Business District
	Zoning:	Entire Site: S-17 – Downtown Residential Open Space Combining Zone Northwestern Portion: C-51 – Central Business Service Commercial Zone Southwestern Portion: C-55 – Central Core Commercial Eastern Portion: C-55 – Central Core Commercial S-8 – Urban Street Combining Zone
	Environmental Determination:	Initial Study in support of a Mitigated Negative Declaration
	Historic Status:	Listed on the National Register of Historic Places; City of Oakland Landmark; Anchor and contributor in an Area of Primary Importance
	Service Delivery District:	Downtown Metro
	City Council District:	3, Nancy Nadel
	Action to be Taken:	Provide recommendations to the Planning Commission on design review; and, review and comment on the Historic Resource report and the historic and cultural resource issues in the Initial Study in Support of a Mitigated Negative Declaration;
	For further information:	Contact case planner Joann Pavlinec at (510) 238-6344 or by e-mail at jpavlinec@oaklandnet.com

Commissioners Lee and McClure requested on this item.

Joann Pavlinec, case planner, reviewed the application.

Speakers:

Phil Tagami
Sanjiv Handa, East Bay News Service
Patrick Campbell

Public hearing closed.

Commissioner Franklin moved to adopt the proposed Mitigated Negative Declaration based on the environmental findings contained in the report; and adopt the attached Conditions of Approval/Mitigation Monitoring Plan for the proposed project; and approve the Major Conditional Use Permits and Design Review, subject to the attached findings and conditions of approval as amended, seconded by Commissioner Mudge.

ACTION: On the motion: 5 ayes (Franklin, Jang, Killian, McClure, Lighty, Lee, Mudge), 2 requested (Lee, McClure) Motion approved.



12.	Location:	Citywide
	Proposal:	Consideration of revised residential design review procedures. Request for Planning Commission direction for preparation of zoning text. (Actual zoning amendments and related changes will be brought forward at a future date for public hearing)
	Applicant:	City of Oakland
	Case File Number:	ZT04-197
	General Plan/Zoning:	Citywide
	Environmental Determination:	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
	Service Delivery District:	All
	City Council District:	All
	Status:	Reviewed by the Design Review Committee of the Planning Commission on May 12, 2004 and February 23, 2005.
	Action to be Taken:	Hold a public hearing, hear testimony from City staff and interested parties, and make recommendation to City Council based on staff report.
	Finality of Decision:	No decision at hearing. Actual zoning amendments and related changes will be brought forward at a future date for public hearing.
	For Further Information:	Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7733 or by email at emanasse@oaklandnet.com .

Continued to June 15, 2005



13.	Location:	Citywide
	Proposal:	Consideration of a Draft Interim Design Review Manual for One- and Two-Unit Residences.
	Applicant:	City of Oakland
	Case File Number:	ZT04-197, DC 51
	General Plan/Zoning:	Citywide
	Environmental Determination:	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
	Service Delivery District:	All
	City Council District:	All
	Status:	Reviewed by the Design Review Committee of the Planning Commission on May 12, 2004, October 13, 2004 and February 23, 2005.
	Action to be Taken:	Decision on Interim Manual based on Staff Report.
	Finality of Decision:	Not Appealable to City Council
	For Further Information:	Contact case planner Christopher Buckley at 510-238-6983 or by email at: cbuckley@oaklandnet.com or Ed Manasse at 510-238-7733 or by email at emanasse@oaklandnet.com .

Continued to June 15, 2005

COMMISSION BUSINESS

Commissioner Mudge moved approval of the minutes for March 16, 2005, April 6, 2005, and April 13, 2005, seconded by Commissioner McClure.

ACTION: On the motion: 7 ayes (Franklin, Jang, Killian, McClure, Lighty, Lee, Mudge), Motion approved.

ADJOURNMENT 11:37 PM

GARY V. PATTON
Deputy Director of
Planning and Zoning



*Mark McClure, Chair
Colland Jang, Vice Chair
Nicole Franklin
Clinton Killian
Suzie W. Lee
Michael Lighty
Anne Mudge*

DECEMBER 15, 2004
Regular Meeting

BUSINESS MEETING **5:30 P.M. "SPECIAL MEETING TIME"**
Council Chambers, City Hall, One Frank H. Ogawa Plaza

ROLL CALL

Present: Franklin, Jang, Killian, Lee, Lighty, McClure,
Excused Absence: Mudge
Staff: Cappio, Patton, Thombs - CEDA Planning and Zoning
Wald - City Attorney

WELCOME BY THE CHAIR

Chair McClure, welcomed all to the meeting and explained the conduct of meetings.

COMMISSION BUSINESS

Approval of Minutes

Correspondence

City Council Actions December 7, 2004

Agenda Discussion

Director's Report Darin Ranelletti provided an update on discussions concerning the development of approximately 364 residential units at 98th Avenue and San Leandro Street.

Sanjiv Handa, East Bay news Service

Committee Reports none appearing

Commission Matters General Plan Discussion

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.



City Attorney's Report none appearing

PUBLIC HEARINGS

- | | |
|-----------|--|
| 1. | Location: 440 High Street |
| | Proposal: Proposal to locate a construction and demolition (C&D) recycling transfer station on a currently vacant warehouse and yard located on a 2.5 acre site. The proposal is for the collection and transfer of C&D materials, including plant green waste- no processing of materials on site. |
| | Applicant: Capitol Recycling |
| | Owner: Michael Pond, Shelly Minor |
| | Case File Number: CM04474 |
| | Planning Permits Required: Major Conditional Use Permit- Extensive Impact Civic |
| | General Plan: Light Industrial 3 (Estuary Plan) |
| | Zoning: M-40 Heavy Industrial |
| | Environmental Determination: Exempt per CEQA Section 15301 Minor Alternations to Existing Facilities |
| | Historic Status: N/A |
| | Service Delivery District: 5 |
| | City Council District: District V |
| | Status: N/A |
| | Action to be Taken: Review of staff report |
| | Finality of Decision: Appealable to City Council |
| | For further information: Contact Margot Lederer Prado at (510) 238-6766 or by email at mprado@oaklandnet.com |

Margot Lederer Prado, case planner, reviewed the application.

Speakers:
Steve Loutzy

Public hearing closed.

Commissioner Lighty moved to affirm staff's environmental determination and approve the Conditional Use Permit, subject to the attached findings and conditions, seconded by Commissioner Franklin.

ACTION: On the motion: 6 ayes (Franklin, Jang, Killian, Lee, Lighty, McClure,), a absent (Mudge) Motion carried.



- 2.** **Location:** 3872-3860 International Blvd (APN#033-2138-013-014)
 Proposal: Major Conditional Use Permit for Alcoholic Beverage Commercial Sales Activity in association with an existing restaurant on a restricted street.
 Applicant: Jesus Campos
 Contact Person/Phone Number: Jesus Campos / 536-0909
 Owner: Jesus Campos
 Case File Number: CM04-472
Planning Permits Required: Major Conditional Use Permit
 General Plan: Neighborhood Center
 Zoning: C-40
 Environmental Determination: Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
 Historic Status: Non Historic Property (NHP)
Service Delivery District: 4
 City Council District: 5
 Status: Approve application with attached conditions.
 Action to be Taken: Pending
 Finality of Decision: Appealable to City Council
For Further Information: Contact case planner Jacob Graef at (510) 777-8672 or by email at jgraef@oaklandnet.com.

This item was removed from the agenda.

APPEALS

- 3.** **Location:** 3841 West Street
Assessors Parcel Numbers: 012-0959-001-01
 Proposal: Appeal of the decision of the Hearing Officer to Revoke the Major Conditional Use Permit to conduct Alcoholic Beverage Sales from a Grocery Store.
 Applicant: Earl Johnson, esq.
 Owner: Ali M. Alaoudi
 Case File Number: A04-389
Planning Permits Required: Major Conditional Use Permit
 General Plan: Urban Residential
 Zoning: C-10
Environmental Determination: Exempt, Section 15301; State CEQA Guidelines; minor alterations to existing facility
 Historic Status: Non-historic property (NHP)
 Service Delivery District: 2

 Date Filed: August 10, 2004
Date of Commission Hearing: December 15, 2004
 Finality of decision: Appeal to City Council
 Support/Opposition: Appellant submitted support for this request/ Community opposition to appeal being submitted
 Staff recommendation: Re: Deny the appeal
For further information: Contact Case Planner Jacob Graef at 510-777-8672 or Jgraef@oaklandnet.com

Jacob Graef, case planner, answered questions.

Speakers:

Auturo Sanchez

Leila Moncharsh, representing the West Street Watch



James Anthony, City Attorney's Office
 Lt. Paul Berlin
 Ron Ward
 Officer Woster
 Officer Martin
 Alex Ngyun
 Mr. Johnson
 Mr. Alaoudi
 Jose A. Dosado
 Tom Kelem
 John Kinkade
 Jennifer Sanchez
 Ken Lupott
 George Wolde
 Maer Ali
 Hasaan Algazzali
 Mark Daly
 Jane Powell
 Bruno Brandli
 Larry Rice
 Sanjiv Handa, East Bay News Service

Joyce McGee
 Edric Kwan
 Valarie Eisman
 Joan Kiley, Alcohol Policy Network
 Al Garcia
 Don Link
 Valerie Winemiller, PANIL
 Andy Friend
 Alex Jones
 Linda Pratt
 Aaron Cohen
 Elizabeth Dobbins
 Svea O. Bannion
 Simba Al-Jihad Shabazz
 Abdullah M. Albasir
 Jamie Gan- Stanfill
 Jim Ratliff, Lakeshore NCPC
 Hannah L. James, Bella Vista NCPC
 Brendan Mulholland
 Thomas Harris

Public hearing closed.

Commissioner Lighty moved to deny the appeal of Ali M. Alaoudi and sustain the decision of the City's Independent Hearing Officer to revoke the Major Conditional Use Permit for Al's Liquors at 3841 West Street, APN 012095900101, based on the evidence and public testimony as set forth in the administrative record per the resolution prepared by staff, seconded by Commissioner Jang.

ACTION: On the motion: 5 ayes (Franklin, Jang, Lighty, McClure, Lee), 1 noe (Killian) 1 absent (Mudge), Motion carried, appeal denied.

- 4. Location:** 4165 and 4201 Norton Avenue; 4168, 4200 and 4206 Rettig Avenue
Assessors Parcel Numbers: 029-1069-008-00, 029-1069-007-02, 029-1069-010-00, 029-1069-046-00, 029-1069-045-00
Proposal: CURE AND CORRECT FOR ALLEGED IMPROPER POSTING OF AGENDA IN CITY CLERK'S OFFICE (LESS THAN THE REQUIRED 72 HOURS BEFORE THE MEETING) PURSUANT TO OAKLAND MUNICIPAL CODE SECTION 2.20.270 (D)
Appellant: Friends of Peralta Creek – Denise Davila
Owners/Applicants: Phil Gregory/Cal Engineering & Geology Inc, Anna & Angelos Sakkis, Al Williams, Virginia Jones, Tony Pereira
Case File Number: A04-521 (V04-209 and CP04-071)
Planning Permits Required: V04-209 –Minor Variance to allow upper –slope retaining walls up to 15 feet in exposed height where 6 feet is the maximum exposed wall height (lower – slope walls will be 6 feet or less in exposed height); and CP04-071- Creek Protection Permit (Category III)
General Plan: Hillside Residential
Zoning: R-30/ Single-Family Residential Zone
Environmental Determination:
Historic Status:
Service Delivery District: 4

Date Filed: August 10, 2004



Date of Commission Hearing:	December 15, 2004
Action to be Taken:	Decision based on Staff Report
Finality of Decision:	Decision of Planning Commission is final

For further information: Contact Case Planner, Edward Manasse, at 510-238-7733; or by email at emanasse@oaklandnet.com

Edward Manasse, case planner, reviewed the item.

Speakers:

Keith Stover
Paul Hyler
Martin Farrell
Robert Garcia
Mark Vega
Mrs. Self
Matt Worth

Ralph Kanz
Angelos Sakkis
Anna Sakkis

Public hearing closed.

Commissioner Franklin moved to affirm the Planning Commission's December 1, 2004 decision including

- Finding that the Commission has exercised its independent judgment;
- Affirm staff's environmental determination; and
- Deny the appeal and uphold the issuance of the Minor Variance and Creek Protection Permit for the emergency landslide repair project.

Motion seconded by Commissioner Lighty.

ACTION: On the motion: 6 ayes (Franklin, Jang, Lighty, Lee, McClure, Mudge, Killian), 1 absent (Mudge), Motion carried, appeal denied.

OPEN FORUM

Sanjiv Handa,

ADJOURNMENT 9:20 PM

GARY V. PATTON
Deputy Director of
Planning and Zoning