



*C. Blake Huntsman, Chair  
Doug Boxer, Vice Chair  
Michael Colbruno  
Sandra E. Gálvez  
Vince Gibbs  
Vien Truong  
Madeleine Zayas-Mart*

**June 16, 2010**  
**Regular Meeting**

***ROLL CALL***

**Present:** Huntsman, Boxer, Colbruno, Gibbs,  
Galvez, Truong

**Excused:** Zayas-Mart

**Staff:** Scott Miller, Eloise Thornton,  
Catherine Payne, Moe Hackett, Aubrey Rose, Laura  
Kaminski, Heather Lee, Cheryl Dunaway

***WELCOME BY CHAIR***

***COMMISSION BUSINESS***

**Director's Report:**

Eloise Thornton gave the Director's report regarding the International Boulevard Transit Oriented Development plan effort.

**Speaker:** Saniv Handa

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

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



**Commission Matters**

Vice Chair Boxer was nominated to be the new Chair and Commissioner Truong was nominated to be the new Vice Chair of the Planning Commission.  
Commission Vote: 6ayes, 0 noes. Vote passed, Commissioner Boxer is the new Chair and Commissioner Truong is the new Vice Chair of the Planning Commission effective at the July 7, 2010 meeting.

**OPEN FORUM**

**Speakers:** John Gatewood, Sanjiv Handa

**CONSENT CALENDAR**

No items on the consent calendar

**PUBLIC HEARINGS**

1.	<p><b>Location:</b> 1331 Harrison Street (corner of 14<sup>th</sup> Street)</p> <p><b>Proposal:</b> Temporary auto-fee parking (up to four years), surface lot, up to 49 spaces</p> <p><b>Applicant(s):</b> Terra Linda Development Services, LLC</p> <p><b>Owner(s):</b> Peter Iwate, Kansai Development Inc.</p> <p><b>Case File Number(s):</b> CV09-197</p> <p><b>Planning Permits Required:</b> Minor Conditional Use Permit, Minor variance</p> <p><b>General Plan:</b> CBD</p> <p><b>Zoning:</b> CBD-P, CBD-C</p> <p><b>Environmental Determination:</b> Exempt, CEQA sections: 15304, Minor Alterations to land; 15311, Accessory Structures; 15332-Infill Development Projects</p> <p><b>Historic Status:</b> The property is not a PDHP, nor is it located within a Area of Primary or Secondary Importance. However, the project is directly across 14<sup>th</sup> Street from the Coit Building Group Historic District.; the district is an Area of Primary Importance and on the National Resister of Historic Places. The rear property line abuts the Hotel Menlo Group District; this district is an Area of Secondary Importance. In addition, the project is directly across Harrison Street from the Hotel Oakland; this is a City Landmark with the Oakland Cultural Heritage Survey (OCHS). It is rated A3 and is a Designated Historical Property (DHP) of the highest importance. It is also listed on the National Register of Historical Places.</p> <p><b>Service Delivery District:</b> Metro Downtown</p> <p><b>City Council District:</b> 2 - Kernighan</p> <p><b>Status:</b> NA</p> <p><b>Action to be Taken:</b> Consider approval of Minor CUP and Minor Variance</p> <p><b>Finality of Decision:</b> Appealable to the City Council within 10 days</p> <p><b>For further information:</b> Contact case planner <b>Catherine Payne</b> at <b>(510) 238-6168</b> or by email at <b>cpayne@oaklandnet.com</b></p>
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**Official Hearing on 1331 Harrison Street Parking Garage Proposal. First time brought to the Planning Commission was on June 2, 2010 as a discussion item.**

**Applicants:** Calvin McGinnis, Laura Blair and Peter Iwate gave a presentation and answered questions.



**Speakers:** Echa Schneider who ceded time to Max Allstadt, Carlos Plazola, Andre Jones, Kathy Kuhner, Daniel Schulman, Matt Novak, Joe Decredico, Joe O’Donahue, Sanjiv Handa

Vice Chair Boxer raised the question to speaker, Andre Jones.

Speaker Andre Jones responded to Vice Chair Boxer’s question.

Staff member, Catherine Payne gave a presentation and answered questions from the Commission.

The Commission asked the applicant questions.

The Commission discussed the proposal at great length and asked additional questions of the applicant, staff and City Attorney.

Motion to approve or deny by Colbruno, Truong recommended that an amendment of the time limit be reduced from 4 years to 3 years. Gibbs seconded.

Action on the matter: 3 ayes, 3 noes. Chair Huntsman stated that this item will move to City Council for further review given that the vote is split.

2.	<b>Location:</b>	<del>250 10<sup>th</sup> Street (Lincoln Square) (APN 002-0071-001-00)</del>
	<b>Proposal:</b>	<del>Allowing multipurpose sports fields and other improvements in existing paved section of Alice Street right of way closed to traffic adjacent to Lincoln Square Park and Lincoln School in Chinatown, currently used for youth sports purposes</del>
	<b>Contact Person/Phone Number:</b>	Allison Schwartz, Public Works/CEDA -510-238-7310
	<b>Owner:</b>	-City of Oakland
	<b>Case File Number:</b>	<b>CMD10-028</b>
	<b>Planning Permits Required:</b>	<del>Major Conditional Use Permit for one half acre of park improvements in the CBD X and OS/NP Open Space Zoning Districts and Regular Design Review, within Alice Street right of way and closed to traffic between 10<sup>th</sup> Street and 11<sup>th</sup> Street, within the existing paved section</del>
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	<del>O Open Space (NP Neighborhood Park) Zoning District/S 12 Combining Zoning District (Park); CBD X Central Business District Mixed Commercial Zone (Street)</del>
	<b>Environmental Determination:</b>	Exempt, Section 15303 of the State CEQA Guidelines: 15332, Infill; Modification of Facilities Additional citation: Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	<b>Historic Status:</b>	<del>Alice Street Not Designated Historic Property (DHP)/City Landmark; Lincoln Square is a DHP</del>
	<b>Service Delivery District:</b>	Metro
	<b>City Council District:</b>	2
	<b>Staff Recommendation:</b>	Approve
	<b>Finality of Decision:</b>	Appealable to the City Council within 10 days
	<b>For Further Information:</b>	Contact David Valeska at (510) 238-2075 or <a href="mailto:dvaleska@oaklandnet.com">dvaleska@oaklandnet.com</a>

Item # 2 has been removed from this agenda.



3.           **Location:** **9800 Macarthur Boulevard (APN: 048-5598-023-01)**  
**Proposal:** Design Review for the revision of a previously approved 37 unit residential commercial mixed use building. (CMDV07-168, Approved June 20, 2007) the revised proposal would create a new 32 unit mixed use building with 1,047 square feet of ground floor retail space.  
**Applicant:** Amcal Multi Housing, Inc.  
**Contact Person/Phone:** Craig Smith  
**Number:** (559) 226-2833  
**Owner:** 98<sup>th</sup> Macarthur housing Partners, LLC  
**Case File Number:** **REV10-0010**  
**Planning Permits Required:** Design Review for new construction. Interim Conditional Use Permit to allow the General Plan Density. Conditional Use Permits to allow Multifamily in the C-10 and to allow parking within 75 feet of the front property line. Variances to allow 1) 0 foot front yard setback where 10 feet is required (98<sup>th</sup> Avenue); 2) 0 foot street side setback where 7 ½ feet is required (Macarthur); 3) 5 foot 4 inch rear yard setback where 15 feet is required (Between the project site and 9822 Macarthur Bl.); and 4) encroachment into the rear yard height reduction plane (varies up to 13 feet)

**General Plan:** Neighborhood Center Mixed Use  
**Zoning:** C-10 Local Retail Commercial Zone, S-4 Design Review Combining Zone Regulations  
**Environmental Determination:** Exempt, Section 15332, State CEQA Guidelines, Infill Development.  
**Historic Status:** Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning.  
**Historic Status:** Not a Potential Designated Historic Property (PDHP); No survey rating (vacant lot)  
**Service Delivery District:** 6  
**City Council District:** 7  
**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 **Moe Hackett** at **(510) 238-3973** or by email: **mhackett@oaklandnet.com**

Staff member Moe Hackett gave a presentation and answered questions from the Commission.

**Applicant:** Craig Smith gave a presentation.

The Commission asked questions of applicant including regarding the affordability level, bedroom count and local hire provisions.

**Speaker:** Sanjiv Handa

Motion to approve by Colbruno, seconded by Galvez.

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



4.	<p><b>Location:</b> Citywide – unless otherwise stated</p> <p><b>Proposal:</b> Discussion of proposed Zoning Text Amendments to regulate laundromats. In addition, as a clean-up item from other zoning amendments, Sections 17.58, 17.73, 17.86, and 17.98 are being revised to add the applicable “Other zoning provisions.” These amendments also contain regulations not related to laundromats.</p> <p><b>Applicant:</b> City Planning Commission</p> <p><b>Case File Number:</b> ZT 10-110</p> <p><b>Planning Permits Required:</b> Zoning Text Amendment pursuant to OMC 17.144</p> <p><b>General Plan:</b> Various Citywide</p> <p><b>Zoning:</b> Various Citywide</p> <p><b>Environmental Determination:</b> The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Final Environmental Impact Report for the 1998 Amendment to the Historic Preservation Element of the General Plan; and the Housing Element Update Initial Study/Mitigated Negative Declaration (2004). As a separate and independent basis, the proposal is also exempt from CEQA pursuant to CEQA Guidelines Section 15183 “Projects Consistent with a Community Plan, General Plan or Zoning” and/or 16061(b)(3) “General Rule – no possibility of significant environmental impact”</p> <p><b>Historic Status:</b> Various Citywide</p> <p><b>Service Delivery District:</b> All</p> <p><b>City Council District:</b> All</p> <p><b>Date Filed:</b> May 3, 2010</p> <p><b>Action to be Taken:</b> Recommendation to City Council</p> <p><b>For Further Information:</b> Contact case planner <b>Aubrey Rose</b> at (510) 238-2071 or <a href="mailto:arose@oaklandnet.com">arose@oaklandnet.com</a></p>
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Staff member Aubrey Rose gave a presentation and answered questions from the Commission.

**Speakers:** Laura Blair, Ouyen Do, Sanjiv Handa

Scott Miller explained the reasons why 500ft. space pedestrian pathway is proposed as a calculation of for distance separation to the Laundromats.

Commissioners Truong, Gibbs, Vice Chair Boxer, Galvez and Chair Huntsman expressed their disagreement on proposing to adopt an ordinance to regulate Laundromats in the City of Oakland. Commission also suggested that there be further research done to gather crime data statistics and the population of the Laundromats in the city of Oakland.

Scott Miller stated that he will have staff member Aubrey Rose provide the information that was requested by the Commission by the July 7, 2010 Planning Commission meeting. No vote was taken.



5.	<p><b>Location:</b> Central Business District (CBD)</p> <p><b>Proposal:</b> 1) As a continuation of the Central Business District rezoning process, staff will present proposed view corridors to protect views of City Hall and the Oakland Tribune Tower from four view points on the east side of Lake Merritt, with five view corridors (two of the view corridors are from the same view point). The proposal includes three views to the Oakland Tribune Tower and two to City Hall, with analysis of height maximums along the view corridors in order to retain the view corridors.</p> <p><b>Applicant:</b> City Planning Commission</p> <p><b>Case File Number:</b> <b>RZ10105, ZT10104</b></p> <p><b>Planning Permits Required:</b> Rezoning, Zoning Text Amendment</p> <p><b>General Plan:</b> Central Business District</p> <p><b>Zoning:</b> CBD-R, CBD-P, CBD-C, and CBD-X</p> <p><b>Environmental Determination:</b> The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Final Environmental Report for the 1998 Amendment to the Historic Preservation Element of the General Plan; the Housing Element Update Initial Study/Mitigated Negative Declaration (2004); and CEQA Guidelines Section 15183 “Projects Consistent with a Community Plan, General Plan or Zoning”.</p> <p><b>Historic Status:</b> The Central Business District contains several Areas of Primary Importance (APIs), Areas of Secondary Importance (ASIs), landmark properties, and other historically rated properties.</p> <p><b>Service Delivery District:</b> Metro</p> <p><b>City Council District:</b> 2 and 3</p> <p><b>Status:</b> Recommended by Zoning Update Committee to be heard in front of the full Planning Commission.</p> <p><b>Action to be Taken:</b> Recommendation to the City Council.</p> <p><b>Finality of Decision:</b> Recommendation forwarded to City Council for final decision.</p> <p><b>For Further Information:</b> Contact case planner <b>Laura Kaminski</b> at <b>(510) 238-6809</b> or by email: <a href="mailto:lkaminski@oaklandnet.com">lkaminski@oaklandnet.com</a></p>
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Staff member Laura Kaminski gave a power point presentation and answered questions from the Commission.

**Speakers:** Daniel Shulman, Matt Novak, Max Allstadt, Joe Decredico, John Gatewood, Carlos Plazola, James Vann, Kirk Peterson, Naomi Schiff

Commissioners Galvez, Gibbs, Colbruno and Chair Huntsman expressed their reasons why they don’t support this project. Vice Chair Boxer explained why he supports this project.

Scott Miller recommended that this project discussion be moved to the City Council for further recommendation.

Motion to recommend no view corridors be forwarded to the City Council. Seconded by Vice Chair Boxer with a friendly amendment that the City Council considers the extensive public hearing, numerous Zoning Update Committee Meetings and the five view corridors discussed among the Planning Commission that there be no view corridors. Colbruno accepted the amendment.



Action taken: 5 ayes 1 no. Motion passed.

***COMMISSION BUSINESS***

**Approval of Minutes:** June 2, 2010 minutes were approved, 5 ayes, 0 noes

***OPEN FORUM***

**ADJOURNMENT**

Meeting adjourned at approximately 10:00 P.M.

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

***NEXT REGULAR MEETING:*** July 7, 2010