



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

Revised 6-3-10 AND 6-9-10* (See end of Agenda)

MEAL GATHERING **5:15 P.M.**

Saigon Restaurant, 326, Frank Ogawa Plaza, Oakland

Open to the public (Members of the public may purchase their own meals if desired. Consumption of food is not required to attend.)

BUSINESS MEETING **6:00 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 "*Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda*". Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes.

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.**, 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.

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.



Staff reports for items listed on this agenda will be available by 3:00 p.m. the Friday 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 3315), which closes at 5:00 p.m.**

New web-site staff report download instructions

Staff reports are also available on-line, by 3:00 p.m. the Friday before the 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. You will need to ensure that your computer will accept pop-ups from the host site (oaklandnet.com) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please call **510-238-3941**.

If you challenge a Commission decision in court, you will 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, pursuant to Code of Civil Procedure Section 1094.6, unless a shorter period applies.

Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.

While attending Planning Commission Meetings, parking in the Clay Street Garage is free. Attendees should see staff at the meeting for validation of parking tickets.

Applicants or members of the public that plan power point presentations: Please contact Cheryl Dunaway at cdunaway@oaklandnet.com or 501-238-2912 or Gwen Brown at gbrown@oaklandnet.com or 510-238-6194 at least 48 hours prior to the meeting.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director’s Report

[Informational Report on the International Boulevard Transit Oriented Development \(TOD\) Plan Effort](#)

Committee Reports



Commission Matters

Commission Elections

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.

(There are no items on consent)

PUBLIC HEARINGS

The hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. If you challenge a Commission decision in court, you will 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.

The Commission will then vote on the matter based on the staff report and recommendation. If the Commission does not follow the staff recommendation and no alternate findings have been prepared, then the vote on the matter will be considered a "straw" vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

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) calendar days of the date of the announcement of the Planning Commission decision and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so will preclude you from raising such issues during your appeal and/or in court.

Any party seeking to challenge a final decision in court must do so within ninety (90) days of the date of the announcement of a final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

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 Commission, 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



- 1. **Location:** 1331 Harrison Street (corner of 14th Street)
- Proposal:** Temporary auto-fee parking (up to four years), surface lot, up to 49 spaces
- Applicant(s):** Terra Linda Development Services, LLC
- Owner(s):** Peter Iwate, Kansai Development Inc.
- Case File Number(s):** [CV09-197](#)
- Planning Permits Required:** Minor Conditional Use Permit, Minor variance
- General Plan:** CBD
- Zoning:** CBD-P, CBD-C
- Environmental Determination:** Exempt, CEQA sections: 15304, Minor Alterations to land; 15311, Accessory Structures; 15332-Infill Development Projects
- Historic Status:** The property is not a PDHP, nor is it located within a Area of Primary or Secondary Importance. However, the project is directly across 14th Street from the Coit Building Group Historic District.; the district is an Area of Primary Importance and on the National Register 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.
- Service Delivery District:** Metro Downtown
- City Council District:** 2 - Kernighan
- Status:** NA
- Action to be Taken:** Consider approval of Minor CUP and Minor Variance
- Finality of Decision:** Appealable to the City Council within 10 days
- For further information:** Contact case planner **Catherine Payne** at **(510) 238-6168** or by email at cpayne@oaklandnet.com

PLEASE NOTE: ITEM #2, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.



2. **Location:** ~~250 10th Street (Lincoln Square) (APN 002-0071-001-00)~~

Proposal: ~~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~~

Contact Person/Phone Number: Allison Schwartz, Public Works/CEDA
-510-238-7310

Owner: -City of Oakland

Case File Number: **CMD10-028**

Planning Permits Required: 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 10th Street and 11th Street, within the existing paved section

General Plan: Central Business District

Zoning: ~~O Open Space (NP Neighborhood Park) Zoning District/S 12 Combining Zoning District (Park); CBD X Central Business District Mixed Commercial Zone (Street)~~

Environmental Determination: 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

Historic Status: Alice Street Not Designated Historic Property (DHP)/City Landmark; Lincoln Square is a DHP

Service Delivery District: Metro

City Council District: 2

Staff Recommendation: Approve

Finality of Decision: Appealable to the City Council within 10 days

For Further Information: Contact David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

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 Number: Craig Smith
(559) 226-2833

Owner: 98th 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 (98th 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)

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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.
Determination: 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**

4.

Location: Citywide – unless otherwise stated
Proposal: 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. This is an informational item only on this agenda; no decision nor formal recommendation will be made at this meeting.

Applicant: City Planning Commission
Case File Number: **ZT 10-110**
Planning Permits Required: Zoning Text Amendment pursuant to OMC 17.144
General Plan: Various Citywide
Zoning: Various Citywide
Environmental Determination: 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”
Historic Status: Various Citywide
Service Delivery District: All
City Council District: All
Date Filed: May 3, 2010
Action to be Taken: This is an informational item only at this meeting; Staff anticipates returning on July 7th for a formal recommendation
For Further Information: Contact case planner **Aubrey Rose** at **(510) 238-2071** or arose@oaklandnet.com



5.	<p>Location: Central Business District (CBD)</p> <p>Proposal: 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>Applicant: City Planning Commission</p> <p>Case File Number: RZ10105, ZT10104</p> <p>Planning Permits Required: Rezoning, Zoning Text Amendment</p> <p>General Plan: Central Business District</p> <p>Zoning: CBD-R, CBD-P, CBD-C, and CBD-X</p> <p>Environmental Determination: 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>Historic Status: 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>Service Delivery District: Metro</p> <p>City Council District: 2 and 3</p> <p>Status: Recommended by Zoning Update Committee to be heard in front of the full Planning Commission.</p> <p>Action to be Taken: Recommendation to the City Council.</p> <p>Finality of Decision: Recommendation forwarded to City Council for final decision.</p> <p>For Further Information: Contact case planner Laura Kaminski at (510) 238-6809 or by email: lkaminski@oaklandnet.com</p>
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APPEALS

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will 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; provided, however, such issues were previously raised in the appeal itself.

Following testimony, the Commission will vote on the report prepared by staff. If the Commission reverses/overturns the staff decision and no alternate findings have been prepared, then the vote on the matter will be considered a "straw" vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

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, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.



(There are no appeals on this agenda)

COMMISSION BUSINESS

Approval of Minutes: May 19, 2010 and June 2, 2010

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.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: July 7, 2010

*Revised 6-3-10 to add a Director's Report, add Commission Elections (Commission Matters), and indicate Item #4 (Citywide Regulations for Laundromats) as an Informational Item, AND revised 6-9-10 to remove Item #2 (250 10th Street) from this agenda.