



Oakland City Planning Commission **REVISED* AGENDA**

Anne Mudge, Chair
Doug Boxer, Vice Chair
Michael Colbruno
Paul Garrison
Suzie W. Lee
Michael Lighty
Madeleine Zayas Mart

June 20, 2007
Regular Meeting

Revised 6-7-07*

MEAL GATHERING

5:30 P.M.

Dimond Conference Room, 250 Frank Ogawa Plaza, 3rd Floor, Oakland. Open to the public. (Members of the public may bring their own meal if desired. Consumption of food is not required to attend.)

BUSINESS MEETING

6:00 P.M. *

Hearing Room One, 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.

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.

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.

A.	Location: 5727 College Avenue (APN# 014-1266-047-01)
	Proposal: Major Conditional Use Permit for the addition of Alcoholic Beverage sales at a new grocery store.
	Applicant: Trader Joe's Inc.
	Contact Person/Phone Number: Doug Yokomizo 626-599-3777
	Owner: ASR TX
	Case File Number: CM07-193
	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: 1
	City Council District: 1
	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 .

The above item (A) was on (and duly noticed for) the June 6, 2007 Planning Commission Agenda. At that meeting the Planning Commission concluded this item with a vote of 2 in support of the application and 3 abstentions. No additional vote was taken, hence, this item is brought back on this agenda.



B.	Location:	800 Center Street (APN's: 004-0067-015-00; -016-00; & 017-00)
	Proposal:	Subdivide the three existing lots into a nine lot mini-lot subdivision for eight townhouse units.
	Applicant:	Rene Boisvert
	Contact Person/Phone Number:	(510) 444-8420
	Owner:	800 Center LLC
	Case File Number:	CMDV07-098 & TTM-7897
	Planning Permits Required:	Minor Conditional Use permit for a mini lot development, Design Review for new construction, a Major Variance to allow eight dwelling units where only a maximum of five are permitted under the R-36 Zoning, and a Tentative Tract Map for a nine lot subdivision.
	General Plan:	Mixed Housing Type Residential
	Zoning:	R-36, Small Lot Residential Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects; Section 15183, Projects that are consistent with a general plan, community plan, or zoning;
	Historic Status:	Vacant Lot located within the Oakland Point Historic District
	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 .

The above item (B) was on (and duly noticed for) the June 6, 2007 Planning Commission Agenda. At that meeting the Planning Commission took a straw vote to support this project as proposed and directed staff to bring Findings and Conditions of Approval back at the June 20, 2007 meeting.

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 distributed to Commissioners, it should be received by the Commission.

1.	Location: 230 Bay Place (APN# 010-0795-027-01)
	Proposal: Major Conditional Use Permit for the addition of alcoholic beverage sales commercial activity at a new full service grocery store.
	Applicant: Bond CC Oakland LLC
	Contact Person/Phone Number: Bond CC Oakland LLC
	Owner: Bond CC Oakland LLC
	Case File Number: CM07-224
	Planning Permits Required: Major Conditional Use Permit
	General Plan: Urban Residential and Neighborhood Center Mixed Use
	Zoning: C-30/S-12
	Proposed Environmental Determination: Exempt, CEQA Guidelines Section 15301: Minor alteration to existing facilities; Section 15183, Projects consistent with a community plan, general plan, or zoning;
	Historic Status: Designated City of Oakland Landmark, Cox Cadillac Showroom
	Service Delivery District: 3
	City Council District: 3
	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 .



2. **Location:** **580 – 66th Street (APN# 016-1423-011-00)**
Proposal: To demolish an existing single family building and construct four new detached units; and create a shared access facility to serve the subject site and adjacent property at 576 – 66th Street.
Owner: Michael Pitler
Applicant: Michael Pitler
Contact Person/Phone Number: (510)368-1499
Case File Number: **CMDV07-159**
Planning Permits Required: Major Conditional Use Permit and Regular Design Review to construct 4 units in the R-40 Zone and create a shared access facility; Minor Variance to waive the required 10-foot separation between driveways on adjacent lots.
General Plan: Mixed Housing Type Residential
Zoning: R-40 Garden Apartment Residential Zone
Proposed Environmental Determination: Exempt 15332; State CEQA Guidelines, infill development project and Section 15183, projects consistent with a community plan, general plan or zoning.
Historic Status: Not a Potential Designated Historic Property (PDHP); survey rating: X
Service Delivery District: 2
City Council District: 1
For Further Information: Contact case planner **Maurice Brenyah-Addow** at **510-238-6342** or by email: mbrenyah@oaklandnet.com

3. **Location:** **4021 International Boulevard**
Proposal: Phased development of a mixed-use development including ground-floor retail and above-ground floor multi-family residential uses. The development would include up to 19,000 square feet of retail space facing International Boulevard, 60 residential units, and 83 enclosed parking spaces. Proposal includes phasing to allow development first of the podium with retail uses and parking, followed by development of the above-ground floor residential uses.
Project Sponsor: Carlos Plazola, Terra Linda Development Services, LLC: (510)207-7238.
Owners: Oakland City Properties, LLC
Case File Numbers: **PMW07-001; CMDV07-009; ZP06-206; T0 7-005; EX07-001**
Planning Permits Required: Design Review, Minor Variance, Interim Use Permit, Parcel Map Waiver (General Plan Determination made previously).
General Plan: Community Commercial
Zoning: C-40 Community Thoroughfare Commercial Zone/S-4 Design Review Combining Zone/ and R-30 Single Family Residential
Proposed Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; Infill development; Section 15183 of the State CEQA Guidelines; Projects consistent with a community plan, general plan or zoning
(continued on page 7)



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Historic Status: Not historic.
Service Delivery District: 4
City Council District: 5 – De La Fuente
Action to be taken: Consider project approval and environmental determination.
For further information: Contact case planner **Catherine Payne** at (510) 238-6168 or cpayne@oaklandnet.com

THIS ITEM (#3) HAS BEEN REMOVED FROM THIS AGENDA;

4.

Location: 9800 Macarthur Boulevard (APN: 048 -5598-023-01)
Proposal: A new 37 unit residential building with 1,000 square feet of commercial space.
Applicant: Jordon Rose, Pyatok Architects
(510) 465-7010
Owner: AF Evans
Case File Number: **CMDV 07-168, TPM 9562 & T 07-069**
Planning Permits Required: **Design Review** for a new 37 unit residential building with 1,000 square feet of commercial space. **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; 2) 0 foot street side setback where 7.5 is required; 3) 5 foot 4 inch rear yard setback where 15 feet is required; 4) 51 foot height where 45 feet is allowed; 5) a height of 43 feet where 30 feet is allowed at the rear yard setback; 6) entry stairs to be located 0 feet from the property lines, where 6 feet is required; and, 7) a courtyard with an 8 foot wide obstruction resulting in a 22 foot 4 inch unobstructed courtyard where 30 feet is required. **Tree Removal Permit** to allow construction within 10 feet of two protected trees. **Tentative Parcel Map** to create 37 Residential and 1 commercial condominium units.

General Plan: Neighborhood Center
Zoning: C-10 Local Retail Commercial Zone
Proposed Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines: Infill development; 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
No Survey Rating: Vacant Site
Service Delivery District: 6
City Council District: 7
For further information: Contact case planner **Sung H. Kwon, AICP** at (510) 238-6414 or skwon@oaklandnet.com.



5.	<p>Location: 555 98th Avenue. (045-5302-010-04) (4/17/07)</p> <p>Proposal: New construction of a 3-story mixed use development containing 58 multi-family residential units and 2, 440 sq. ft. of ground floor retail space on a 1.6 acre lot.</p> <p>Applicant: AMCAL Multi-Housing Inc.</p> <p>Contact Person/Phone Number: AMCAL Multi-Housing Inc. Attn: Leo Puigg (559) 226-2833</p> <p>Owner: Freedom Fund Inc.</p> <p>Case File Number: CMD07-161 / ER07-005</p> <p>Planning Permits Required: Request for a Major Conditional Use Permit and Design Review for new construction of 58 residential units and 3 ground floor commercial spaces.</p> <p>General Plan: Neighborhood Commercial (pursuant to General Plan Determination)</p> <p>Zoning: C-30 District Thoroughfare Commercial Zone</p> <p>Proposed Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines: Infill Development; Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning;</p> <p>Historic Status: Not A Potential Designated Historic Property (PDHP); Survey rating: X</p> <p>Service Delivery District: 6</p> <p>City Council District: 7</p> <p>For further information: Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@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, 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)



Approval of Minutes: June 6, 2007

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 18, 2007

* Revised 6-7-07 to reflect the addition of 2 items carried over from the June 6, 2007 Agenda (Items A and B on the Consent Agenda) and the removal of Item #3;