



Doug Boxer, Chair
Michael Colbruno, Vice Chair
Sandra E. Gálvez
C. Blake Huntsman
Suzie W. Lee**
Anne Mudge
Madeleine Zayas-Mart

June 4, 2008
Regular Meeting

REVISED 5-23-08* (See End of Agenda)

MEAL GATHERING 5:30P.M.

Hearing Room 3, City Hall, 1 Frank Ogawa Plaza, 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.

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 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.

1.	Location:	180-2nd Street, and 189-3rd Street.
	Proposal:	Extend Tentative Tract Map for residential condominium conversion of 144 units of recently constructed 310-unit rental project known collectively as "Allegro".
	Project Sponsor:	The Hampton Group, Karen Bastings: (925) 831-2107
	Owner(s):	SSR Western Multifamily, LLC.
	Case File Number(s):	TTM8929 (related to B9900069, B9901546, B9904975)
	Planning Permits Required:	Extension of Tentative Tract Map to create parcels for individual ownership units under Oakland Municipal Code Title 16, Subdivisions.
	General Plan:	Oakland Estuary Policy Plan Mixed Use land use classification
	Zoning:	C-45 Community Shopping Commercial Zone
	Environmental Determination:	Exempt, CEQA Guidelines, Section 15301(k). Division of existing multi-family residences into common-interest ownership where no physical changes occur.
	Historic Status:	Not historic.
	Service Delivery District:	Metro-Downtown
	City Council District:	3-Nadel
	Status:	Building permits finalized in 2001 and 2002
	Action to be Taken:	Consider extension of approved Tentative Tract Map.
	Finality of Decision:	Appealable to City Council
	For further information:	Contact Catherine Payne at 510-238-6168 or by e-mail at cpayne@oaklandnet.com

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.

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| 2. | Location: | 5175 Broadway (APN: 014-1241-005-01) |
| | Proposal: | Demolish vacant service station facility and construct a new 28 unit, four story residential condominium building above 2,995 square feet of commercial space. |
| | Applicant: | Lucy Armentrout |
| Contact Person/Phone Number: | | (510) 220-6445 |
| | Owner: | Rockridge Heights LLC |
| | Case File Number: | CDV06-463, TPM-9725 & ER07-0004 |
| | Planning Permits Required: | Interim Conditional Use Permit for allowed intensity under the Community Commercial General Plan Area, Minor Variance to the rear yard setback, which would allow Broadway to be treated as the project frontage (required 10'0", proposed 0'0"), Minor Conditional Use permit to allow an underground parking garage within the setbacks, and Regular Design Review for new construction. Tentative Parcel Map for Condominiums. |
| | General Plan: | Community Commercial |
| | Zoning: | C-30, District Thoroughfare Commercial Zone |

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Environmental Determination: An Initial Study was prepared and the Notice of Intent to Adopt a Negative Declaration was noticed for comment on December 10, 2007. The comment period expired January 9, 2008.

Historic Status: Not a Potentially Designated Historic Property; survey rating: x

Service Delivery District: 2

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.

- 3.
- Location:** **Portion of site (Parcel B) bounded by Broadway, 23rd Street, Valley Street, and 24th Street (Parcel A is under construction).**
- Proposal:** Amendment #2 to PUDF03553 to redesign building located on Valley Street, including new site planning, decreased building height and design changes, as well as demolition of historic façade. No change to land use densities/intensities, quantity of parking, access/egress points.
- Applicant:** Signature Properties, Inc. (925) 463-1122 (Doug Park)
- Owner:** Signature at Broadway Grand LLC.
- Planning Permits Required:** Amendment to Final Development Plan, and Design Review.
- General Plan:** Community Commercial
- Zoning:** C-40 Community Thoroughfare Commercial Zone/C-60 City Service Commercial Zone/S-4 Design Review Combining Zone/S-17 Downtown Residential Open Space Combining Zone/S-19 Broadway Auto Row Interim Study Combining Zone
- Environmental Determination:** Addendum #2 to EIR. Addendum #1 filed on September 27, 2006; Final EIR certified on December 1, 2004.
- Historic Status:** Site includes five buildings considered historic resources under CEQA.
- Service Delivery District:** II – North Oakland/North Hills
- City Council District:** 3 - Nadel
- For further information:** Contact case planner **Catherine Payne** at **510-238-6168** or by e-mail at cpayne@oaklandnet.com

4.	Location:	3110 Park Blvd & 816 E. 28th Street (APNs: 023 -0395-035-00 & 023 -0395-034-00) (6/12/06)
	Proposal:	To subdivide a 19,121 square foot lot into an 8 lot mini-lots ranging in size from 2,194 square feet to 3,252 square feet, with access from E 28 th Street via a shared access facility, and construction of 8 single-family dwellings.
	Contact Person/ Phone Number:	Bill Wong (510) 717-2228
	Owner:	Hi Seong Yoon
	Case File Numbers:	CD06029, TTM7729
	Planning Permits Required:	Tentative Tract Map and Minor Conditional Use Permit for an 8 lot mini-lot development with a shared access facility. Regular Design Review for 8 new single family dwellings.
	General Plan:	Mixed Housing Type
	Zoning:	R-70 High Density Residential Zone
	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 Potential Designated Historic Property No Survey Rating: Vacant Parcel
	Service Delivery District:	3
	City Council District:	2
	For further information:	Contact case planner Leigh McCullen at (510) 238-4977 or lmccullen@oaklandnet.com .

5.	<p>Location: Multiple parcels immediately adjacent to the MacArthur BART Station; on the west side of Telegraph Avenue Street between 40th Street and West MacArthur Boulevard (see map on reverse and Table 2 below)</p> <p>Assessors Parcel Numbers: 012-0969-053-03, 012-0968-055-01, 012-0967-049-01, 012-0969-002-00, 012-0969-003-00, 012-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00 & 012-0967-010-00</p> <p>Proposal: Demolition of existing structures and construction of the MacArthur Transit Village project: 5 new buildings containing 624 residential units, 42,500 square feet of commercial space (including 7,000 square feet of live/work and flex space), 5,000 square feet of child care/community space, a 300-space replacement parking garage for BART patrons, and approximately 680 parking spaces for the residential and commercial units (residential parking provided at a 1:1 ratio, 26 commercial spaces in building A parking garage and on-street parking spaces).</p> <p>Applicant: MacArthur Transit Community Partners (MTCP)</p> <p>Contact Person: Joseph McCarthy (510) 273-2009</p> <p>Owner: BART and multiple other property owners</p>
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Planning Permits Required: Rezone (from C-28, Commercial Shopping Zone and R-70, High Density Residential Zone to S-15, Transit-Oriented Development Zone), Zoning Text Amendment adopting the S-17 Open Space Requirements for the S-15 Zone, Planned Unit Development (PUD) Permit, Design Review, Conditional Use Permit (CUP) to exceed parking requirements for residential uses and to allow off-street parking to serve non-residential land uses, and Tree Removal Permits for removal of 67 protected trees.

General Plan: Neighborhood Center Mixed Use

Zoning: Proposed rezoning from C-28 (parcels on Telegraph Avenue and West MacArthur Boulevard), R-70 (BART parking lot parcels) and S-18 Mediated Design Review Combining Zone (entire site) to S-15 Transit-Oriented Development Zone

Environmental Determination: A Draft Environmental Impact Report (EIR) was published on January 31, 2008; Final EIR will be published on May 9, 2008.

Historic Status: No CEQA historic resources are affected by the project; none of the existing buildings on-site are considered CEQA historic resources and none of the buildings on the project site are within, or are contributors to, a historic district.

Service Delivery District: Service District 2

City Council District: 1

Date Filed: October 5, 2007 (revised submittal; original submittal February 5, 2006)

Status: Pending.

Action to be Taken: Take public testimony and issue decisions/recommendations. Favorable (for approval) decisions/recommendations are automatically forwarded to the City Council and Redevelopment Agency for hearing and action. Unfavorable (for denial) decisions may be appealed to the City Council within ten (10) days.

Finality of Decision:

For Further Information: Contact the case planner, **Charity Wagner**, at (415) 730-6718 or by e-mail at clwagner@rrmdesign.com

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.



PLEASE NOTE: ITEM #6, BELOW, HAS BEEN REMOVED FROM THIS AGENDA

6.	Location:	200 Hegenberger Road (APN: 044-5020-005-23)
	Proposal:	Appeal of an Administrative decision to approve an animal care commercial activity within an existing commercial building. The approved project also included a 2,160-square foot addition to the building.
	Appellant:	Citizen Canine
	Appellant Phone Number:	(510) 834-6600
	Applicant/Phone Number:	Gerald Green—(415) 377-5286
	Owner:	Bob Dron Motorcycles Inc.
	Case File Number:	A08-115 (CD07-517)
	Planning Permits Required:	Interim Conditional Use permit to allow an Animal Care Commercial Activity within the Regional Commercial General Plan designation, and Design Review for the two-story addition.
	General Plan:	Regional Commercial Business Mix
	Zoning:	C-36, Gateway Boulevard Service Commercial Zone
	Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines, Addition to an existing structure
		Exempt, Section 15183 of the State CEQA Guidelines, Projects consistent with a community plan, general plan, or zoning
	Historic Status:	Not a Potentially Designated Historic Property; rating: F3
	Service Delivery District:	6
	City Council District:	7
	Status:	The application was approved by the Zoning Manager on March 25, 2008.
		The approval was subsequently appealed by the appellant on April 4, 2008.
	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 Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@oaklandnet.com.

COMMISSION BUSINESS

Approval of Minutes: May 21, 2008

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: June 18, 2008

* Revised 5-23-08 to indicate Item #6 (200 Hegenberger Road) being removed from this agenda.

**Commissioner Lee's term as Commissioner has expired and she will be replaced upon swearing in of a successor Commissioner.