Oakland City Planning Commission REVISED* AGENDA

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

July 7, 2010
Regular Meeting

Revised 6-29-10* (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 l0imited 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

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 devise, 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.

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 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 Section1094.6, 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 510-238-2912 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 Presentation on Adding a Health Element to the General Plan

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:	**Girvin Drive (APN: 048D-7281-048-00)**
Proposal:	To determine the appropriate zoning classification of one, City-owned surplus property (vacant lot) prior to the sale to the adjacent property owner pursuant to Ordinance No. 11602 C.M.S.
Applicant:	City of Oakland
Contact Person:	City of Oakland Real Estate Services Division, William Wilkins
Phone Number:	(510) 238-6358
Owner:	City of Oakland
Case File Number:	**ZR10-153**
Planning Permits Required:	Zoning Review to determine the appropriateness of the current zoning designation.
General Plan:	Hillside Residential
Zoning:	R-30 One-Family Residential Zone
Environmental Determination:	Exempt, Section 15312 of the State CEQA Guidelines; Surplus Government Property Sales
Historic Status:	No Historic Record
Service Delivery District:	2
City Council District:	4
Status:	Pending
Action to be Taken:	Determination of appropriate zoning classification and recommendation to the City Council based on staff report
Finality of Decision:	Recommendation to City Council
For further information:	Contact case planner **Michael Bradley** at **(510) 238-6935** or mbradley@oaklandnet.com

2. **Location:**	**Girvin Drive (APN: 048D-7282-020-00)**
Proposal:	To determine the appropriate zoning classification of one, City-owned surplus property (vacant lot) prior to the sale to the adjacent property owner pursuant to Ordinance No. 11602 C.M.S.
Applicant:	City of Oakland
Contact Person:	City of Oakland Real Estate Services Division, William Wilkins
Phone Number:	(510) 238-6358
Owner:	City of Oakland
Case File Number:	**ZR10-154**
Planning Permits Required:	Zoning Review to determine the appropriateness of the current zoning designation.
General Plan:	Hillside Residential
Zoning:	R-20 Low Density Residential Zone S-10 Scenic Route Combining Zone
Environmental Determination:	Exempt, Section 15312 of the State CEQA Guidelines; Surplus Government Property Sales
Historic Status:	No Historic Record
Service Delivery District:	2
City Council District:	4
Status:	Pending
Action to be Taken:	Determination of appropriate zoning classification and recommendation to the City Council based on staff report
Finality of Decision:	Recommendation to City Council
For further information:	Contact case planner **Michael Bradley** at **(510) 238-6935** or mbradley@oaklandnet.com

3. **Location:**	**1449 Miller Avenue (APN: 020-0153-006-00)**
Proposal:	To determine the appropriate zoning classification of one, City-owned surplus property (former library) prior to the sale to the adjacent property owner pursuant to Ordinance No. 11602 C.M.S.
Applicant:	City of Oakland
Contact Person:	City of Oakland Real Estate Services Division, William Wilkins
Phone Number:	(510) 238-6358
Owner:	City of Oakland
Case File Number:	**ZR10-155**
Planning Permits Required:	Zoning Review to determine the appropriateness of the current zoning designation.
General Plan:	Neighborhood Center Mixed Use
Zoning:	R-36 Small Lot Residential Zone
Environmental Determination:	Exempt, Section 15312 of the State CEQA Guidelines; Surplus Government Property Sales
Historic Status:	Designated Historic Property (DHP); Survey Rating: A2+
Service Delivery District:	4
City Council District:	5
Status:	Pending
Action to be Taken:	Determination of appropriate zoning classification and recommendation to the City Council based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner **Michael Bradley** at **(510) 238-6935** or mbradley@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. Ukl;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.

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.
	Applicant:	City Planning Commission
	Case File Number:	**ZT10-110**
	Planning Permits Required:	Zoning Text Amendment pursuant to OMC 17.144
	General Plan:	Various Citywide

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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
Action to be Taken:	Recommendation to City Council
For Further Information:	Contact case planner **Aubrey Rose** at **(510) 238-2071** or arose@oaklandnet.com

PLEASE NOTE: ITEM #5, BELOW, HAS BEEN REMOVED FROM THIS AGENDA

~~5.~~ ~~**Location:**~~	~~**2640-2644 Myrtle Street (APN 005-0451-021-00)**~~
~~**Proposal:**~~	~~To subdivide a 5,000 square foot lot containing two newly constructed single family dwellings into two separate lots.~~
~~**Applicant Name/Phone Number:**~~	~~Deborah Molina and Carlos Plazola, Terra Linda Development Services~~ ~~(510) 437-9620~~
~~**Owner:**~~	~~David Herzer, HFMF Investments, LLC~~
~~**Case File Number:**~~	~~**TPM 9951 / VM09-0236**~~
~~**Planning Permits Required:**~~	~~Tentative Parcel Map for a one lot subdivision; Major Variance to allow creation of two new lots having less than the required minimum lot area (Parcel A proposed at 2,690 square feet and Parcel B proposed at 2,310 square feet, where a minimum lot area of 4,000 square feet is required)~~
~~**General Plan:**~~	~~Mixed Housing Type Residential~~
~~**Zoning:**~~	~~R-50 Medium Density Residential Zone~~
~~**Environmental Determination:**~~	~~Exempt, Section 15301 of the State CEQA Guidelines: Existing facilities, no change or expansion of existing use proposed.~~ ~~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; Oakland Cultural Heritage Survey Rating: *2 (Less than 45 years old, non-contributor to an Area of Secondary Importance (McClymonds Neighborhood)~~
~~**Service Delivery District:**~~	~~1~~
~~**City Council District:**~~	~~3 – Nadel~~
~~**Status:**~~	~~Pending~~
~~**Action to be Taken:**~~	~~Decision on application based on Staff Report~~
~~**Staff Recommendation:**~~	~~Approve with Conditions~~
~~**Finality of Decision:**~~	~~Appealable to City Council within 10 days~~
~~**For Further Information:**~~	~~Contact case planner **Holly Pearson** at **(510) 238-3079** or by email: **hpearson@oaklandnet.com**~~

6. **Location:**	Skyline Terrace (off of Skyline Boulevard between Colbourn Place and Graham Place); APN: 037A- 3141-001-015 and a portion of 037A-3142-035-01
Proposal:	The applicant has submitted several proposals to subdivide a 13.6 acre parcel. These proposals include: a) 22 lots with a ± 1400 linear foot primary access road terminating in a cul-de-sac, a ± 1300 secondary access road and a ±1190 linear foot secondary access road over the York Trail. b) 8 lots with a common area parcel for a primary access road terminating in a cul-de-sac and a parallel secondary access road (i.e. fire lane) which are both ±1150 linear feet. c) 8 lots with a common area parcel for a ± 1150 linear foot primary access road terminating in a cul-de-sac and a ±1100 linear foot secondary access road.
Applicant:	Collin Mbanugo, MD (510) 272-9610
Owner:	Collin Mbanugo, MD
Planning Permits Required:	Tentative Tract Map for the subdivision of one lot into more than five lots; a Minor Variance for a length of road that exceeds 300' in length, a Planned Unit Development Permit; a Creek Protection Permit, and a Creek permit.
Case File Number:	TTM7481, PUD06-280, CP06-117, T06-0078, ER99-0025
General Plan:	Hillside Residential
Zoning:	R-30 One-Family Residential Zone
Environmental Determination:	CEQA Guidelines Section 15270: Projects Which Are Disapproved.
Historic Status	Vacant Lot
Service Delivery District:	IV– Fruitvale
City Council District:	6
Date Filed	March 3, 2004 (with numerous revisions submitted to date)
Staff Recommendation:	Staff recommends denial of all the proposals.
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

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.

7. **Location:**	**1600 Broadway (APN 008-06222-008-00)**
Proposal:	Appeal of Administrative Denial of a Request to legalize a wall sign exceeding 513 square feet in area installed without permits on the side of an office building for Oaksterdam University
Contact Person/Phone Number:	Salwa Ibrahim, (510) 637-9909
Owner:	Danyol Akol
Case File Number:	**A10-107 (Appeal Denial of DV10-031)**
Planning Permits Required:	Appeal of Administrative Denial of Minor Variance for exceeding allowed sign area (513 square feet requested, 20 additional square feet allowed) and Regular Design Review to allow new wall sign
General Plan:	Central Business District
Zoning:	CBD-P, Central Business District Pedestrian Zoning District
Environmental Determination:	Exempt-Section 15270, Projects which are Disapproved; Section 15321, Enforcement Actions by Regulatory Agencies; Section 15311, Accessory Structures;
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	Metro
City Council District:	3
Finality of Decision:	Final. Not Administratively Appealable
For Further Information:	**D. Valeska, Planner II,(510) 238-2075** dvaleska@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes: ~~May 19, 2010 and June 16, 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 21, 2010

*Revised 6-29-10 to remove Item #5 (2640-2644 Myrtle Street) from this Agenda, as well as the Minutes of May 19 and June 16.