



Oakland City Planning Commission

AGENDA

Chris Pattillo, Chair
Jim Moore, Vice Chair
Jahaziel Bonilla
Michael Coleman
Jahmese Myres
Adhi Nagraj
Emily Weinstein

March 4, 2015
Regular Meeting

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.**

Council Chambers, 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 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.

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 Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Oakland, California 94612. Reports are also available at the Strategic Planning Division on the 3rd floor (Suite 3315), which closes at 5:00 p.m.

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.



**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. Select the "Government" tab, scroll down and click on "Planning & Zoning" click on "visit the Boards and Commissions page" under "Planning Commission". 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, 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 tokens.

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.

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, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time is scheduled to be considered by the Commission.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

Housing Equity Roadmap – Margaretta Lin

Committee Reports

Policies and Procedures Committee

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.

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 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. If any interested party seeks to challenge such decision in court, an appeal 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, 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. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission's public hearing on the matter.

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.



1.	Location:	445 Oakland Avenue (APN: 010 -0810-026-04)
	Proposal:	Creation of two additional residential dwelling units inside an existing building containing 4 residential units, resulting in 6 units. New construction of a three-story, 2,762 square foot 3 unit building to the east of the existing building. Project will result in 9 units total on-site.
	Applicant:	Michael Butler & Elissa Gershon
	Contact Person/ Phone	Michael Butler
	Number:	(510) 815-0123
	Owner:	Michael Butler & Elissa Gershon
	Case File Number:	PLN14369
	Planning Permits Required:	Major Conditional Use Permit for creation of 5 or more units in the RM zone, Regular Design Review for new construction of new building and rear addition to existing building and minor variance to allow 50% of required parking to be compact spaces.
	General Plan:	Mixed Housing Type Residential
	Zoning:	RM-4
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines: Surplus Government Property Sales; 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); Survey rating: Dc2+
	Service Delivery District:	I
	City Council District:	3
	Date Filed:	12/24/14
	Finality of Decision:	Appealable to City Council within 10 calendar days
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com



2. **Location:** 5000 Piedmont Avenue (APN 048A-7002-003-02)
 Project Title: Mountain View Cemetery Burial Site Expansion
 Proposal: To develop three separate but interrelated portions of the cemetery to accommodate future needs for approximately 6,300 additional burial sites.
 Applicant/Owner: Mountain View Cemetery Association
 Contact Person/Phone Number: Jeff Lindeman/510-658-2588
 Case File Number: ER15001
 Planning Permits Required: Major Conditional Use Permit, Design Review
 General Plan: Urban Park and Open Space
 Applicable Zoning: Medium Density Residential (RD-1)
 Environmental Determination: An Environmental Impact Report (EIR) will be prepared. A Notice of Preparation of an EIR was published on February 6, 2015. The public comment period on the Notice of Preparation ends on March 11, 2015.
 Historic Status: Mountain View Cemetery Historic District (API)
 Service Delivery District: 2
 City Council District: 1
 Date Filed: September 24, 2014
 Status: Pending
 Action to Be Taken: Comments on the scope of the EIR. No decisions will be made on the project at this hearing.
 Staff Recommendation: Take public testimony concerning the scope of the EIR and provide direction to staff.
 For Further Information: Contact the case planner, Lynn Warner, at (510) 238-6983 or by email at lwarners@oaklandnet.com



3.

Project Name:	Coliseum Area Specific Plan and EIR
Location:	The Coliseum Area Specific Plan area ("Plan Area") is located in Oakland and covers an area of approximately 800 acres bounded by 66th Avenue to the north, San Leandro Street and Hawley Street to the east, Hegenberger Road to the south, and San Leandro Bay and the Oakland International Airport to the west. The Plan Area includes the Oakland-Alameda County Coliseum and Arena, and the Oakland Airport Business Park.
Proposal:	Conduct a public hearing to receive public comment and to consider certifying the Final Environmental Impact Report (FEIR), and recommending to the City Council the adoption of the proposed Final Coliseum Area Specific Plan, and associated General Plan and Planning Code amendments (text and map changes), and Design Guidelines associated with the Specific Plan (collectively called "Related Actions"). The proposals include the creation of six new district-specific zoning classifications: "D-CO-1" through "D-CO-6", as well as additional necessary changes to the Oakland Planning Code to incorporate the proposed new zones, and changes to the Zoning Maps to implement them. There will also be proposed General Plan Amendments associated with the Plan—both to the <i>Estuary Policy Plan</i> and the <i>Land Use and Transportation Element</i> of the Oakland General Plan.
Contact Person/Phone Number:	Devan Reiff, 510-238-3550 or Ed Manasse, 510-238-7733
Applicant:	City of Oakland
Case File Number:	ZS13103 / ER130004 / SP14001 / GP14002 / ZA14001
General Plan:	<u>Land Use and Transportation Element (LUTE) Areas:</u> Regional Commercial, Community Commercial, Business Mix. <u>Estuary Policy Plan Areas:</u> General Commercial 2, Light Industry 3, Parks.
Zoning:	CR-1, IO, M-40, S-15, CIX-2
Environmental Determination:	An Environmental Impact Report (EIR) has been prepared for the Coliseum Area Specific Plan. The Draft EIR (DEIR) was published on August 22, 2014; the comment period ended October 6, 2014. All comments that were received during the Draft Environmental Impact Report (DEIR) public comment period have been compiled and responded to in the Response to Comments (RTC) Document, along with changes and clarifications to the DEIR. The RTC Document, together with the DEIR, constitutes the Final EIR (FEIR) for the Specific Plan. A Final EIR is expected to will be published on or about February 20, 2015.
Historic Status:	CEQA historic resources currently identified in the Plan Area (resources that are on or may be eligible for National, California, or Local Registers of Historical Resources) include the Coliseum and Arena (individually rated A and B by the Oakland Cultural Heritage Survey and together constituting an Area of Primary Importance) and the Warehouse Union Local 6 building at 99 Hegenberger Road (PDHP, preliminary rating *c3, of potential future significance; now over 50 years old). Portions of the Project Area contain other older buildings and structures not currently evaluated as significant but of possible future interest.
Service Delivery Districts:	5, 6
City Council Districts:	7 (with City Council District 6 representing the 66 th Ave. frontage of Plan Area)
Commission Action to Be Taken:	Receive public comments, close the hearing and consider certifying the FEIR, and recommending to the City Council adoption of the proposed Final Specific Plan and Related Actions.
Finality of Decision:	n/a
For Further Information:	Contact project planner Devan Reiff at 510-238-3550 or dreiff@oaklandnet.com Project website: www.oaklandnet.com/coliseumcity

**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.

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| 4. | <p>Location: 2941 Coolidge Avenue (APN: 027 -0853-001-00)</p> <p>Proposal: To Appeal the Zoning Manager's Administrative Determination letter dated November 21, 2014 that indicated the Deemed Approved (legal non-conforming) status for an Alcoholic Beverage Sales Commercial Activity location ("Gazzali's Express" or former "Midtown Market") had lapsed due to discontinuation of active operation for more than 90 days, pursuant to OMC Sec. 17.114.050(B) for Nonconforming Uses (April 18, 2013).</p> <p>Appellant: Gazzali's Express Corp</p> <p>Phone Number: (510)</p> <p>Owner: Gazzali's Express Corp</p> <p>Case File Number: APL14015</p> <p>General Plan: Mixed Housing Type Residential</p> <p>Zoning: RM-2 Mixed Housing Type Residential Zone</p> <p>Environmental Determination: Exempt, Section 15270 of the State CEQA Guidelines: Projects Which Are Disapproved; Exempt, Section 15321 of the State CEQA Guidelines: Enforcement Actions by Regulatory Agencies</p> <p>Historic Status: Non-Historic Property</p> <p>Service Delivery District: 4</p> <p>City Council District: 5</p> <p>Date Filed: December 1, 2014</p> <p>Action to be Taken: Uphold the Zoning Manager's Administrative Determination and Deny the Appeal</p> <p>Finality of Decision: Final (Not Appealable pursuant to OMC Sec. 17.132.030)</p> <p>For Further Information: Contact case planner Aubrey Rose AICP, Planner II at (510) 238-2071 or arose@oaklandnet.com</p> |
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COMMISSION BUSINESS

Approval of Minutes


February 4, 2015

Correspondence

City Council Actions

ADJOURNMENT

By 10:30 P.M. unless a later time is agreed upon by a majority of Commissioners present.


ROBERT MERKAMP
Development Planning Manager
Planning and Zoning Division

NEXT MEETING: March 18, 2015