



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

May 7, 2014
Regular Meeting

Revised 4-24-14 * (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.**

Sgt. Mark Dunakin 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 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

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.

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:** 2021 Broadway (APN: 008-0649-006-00)
Proposal: To allow for a new Alcoholic Beverage Sales Activity "The Port" in a 1,800 square foot ground floor commercial space in the Uptown Area of the Central Business District.
Applicant: Shine Properties LLC
Contact Person/ Phone Number: Sean Sullivan
(510) 282-2209
Owner: Phil Leong / Alameda BayFarm Investment, LLC
Case File Number: PLN14058
Planning Permits Required: Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity; Findings of Public Convenience or Necessity in an over concentrated area
General Plan: Central Business District
Zoning: CBD-P Central Business District Pedestrian Zone
Environmental Determination: Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures, 15301 existing facilities; 15183 Projects consistent with the General Plan or Zoning.
Historic Status: Designated Historic Property (DHP); Survey rating: B+1+
Service Delivery District: Metro
City Council District: 3
Date Filed: 03/13/14
Finality of Decision: Appealable to City Council within 10 days
For Further Information: Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com

2. **Location:** 376 Grand Avenue (APN: 010 -0776-009-00)
Proposal: To establish a wine shop (with instructional tastings and bottle sales including beer), limited food sales, and a 10:00 pm closing time ("The Bay Grape") in a former beauty salon.
The Neighborhood Crime Prevention Council has reviewed the proposal.
Applicant / Ms. Stevie Stacionis
Phone Number: (213) 840-6323
Owner: Mr. Hong
Case File Number: PLN14034
Planning Permits Required: Major Conditional Use Permit for Alcoholic Beverage Sales Commercial Activity;
Variances for alcohol sales within 1,000 feet of an existing outlet and civic uses
Findings of Public Convenience or Necessity in an over concentrated area
General Plan: Neighborhood Center Mixed Use
Zoning: CN-2 Neighborhood Center Commercial Zone/
S-12 Residential Parking Combining Zone
(continued on page 5)



(continued from page 4)

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines:
Existing Facilities (operation);
Section 15183 of the State CEQA Guidelines:
Projects Consistent with a Community Plan, General Plan or Zoning

Historic Status: Non historic property

Service Delivery District: 3

City Council District: 3

Date Filed: March 6, 2014

Action to be Taken: Based on staff report

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

For Further Information: Contact case planner **Aubrey Rose AICP, Planner II**
at (510) 238-2071 or arose@oaklandnet.com

PLEASE NOTE: ITEM NO. 3, BELOW, IS REMOVED FROM THIS AGENDA.

3. **Location:** ~~Jack London Square Development Project: Generally, south of Embarcadero between Clay and Alice Streets; Specifically proposed development sites: Sites D at Broadway and F2 at Harrison Street (south of Embarcadero).~~

Proposal: ~~Amendment #1 to adopted PUD to include three residential options each for Sites D and F2 and to eliminate office cap.~~

Applicant: ~~Ellis Partners, Matt Weber: (415) 391-9800~~

Owner: ~~JLSV Land, LLC~~

Case File No: ~~ER030004, PUD13170 and DA13171~~

Planning Permits Required: ~~Amendment to the Development Agreement, General Plan Amendment, Revision to PUD, Design Review, Minor variances for loading and open space conventions; compliance with CEQA.~~

General Plan: ~~Site D—Retail, Dining and Entertainment 1; and Site F2—Waterfront Commercial Recreation 1.~~

Zoning: ~~C-45 Community Shopping Commercial Zone~~

Environmental Determination: ~~Final EIR certified on March 17, 2004 by the Planning Commission; Addendum to be published 17 days prior to Planning Commission hearing.~~

Historic Status: ~~None for affected sites.~~

Service Delivery District: ~~1—Downtown/West Oakland/Harbor~~

City Council District: ~~3—Lynette Gibson McElhaney~~

Action to be Taken: ~~Recommendation to City Council regarding all required permits and CEQA determination~~

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

For further information: ~~Contact case planner Catherine Payne at 510-238-6168 or by e-mail at epayne@oaklandnet.com~~



- 4.
- Location:** Citywide
- Proposal:** Recommendation to the City Council to adopt amendments to the City's Planning Code for a proposed new Reasonable Accommodations Ordinance.
- Applicant:** City Planning Commission
- Case File Number:** ZT14006
- Planning Permits Required:** Oakland Planning Code Amendment
- General Plan:** All General Plan Categories
- Zoning:** All Zoning Categories
- Environmental Determination:** The proposed Reasonable Accommodations Ordinance would be an amendment to the Oakland Planning Code and relies on the previously certified 2007-2014 Housing Element Final EIR (2010)
- Service Delivery District:** All
- City Council District:** All
- Status:** A meeting of the City Planning Commission Zoning Update Committee was held on January 22, 2014. The item was continued at the February 19, 2014, and March 19, 2014, Planning Commission meetings. The item was heard at the April 2, 2014 Planning Commission meeting where the item was continued to the May 7, 2014, Planning Commission meeting.
- Action to be Taken:** Discuss and make recommendation to the City Council
- Finality of Decision:** Recommendation to City Council
- For Further Information:** Contact case planner Alicia Parker at (510) 238-3362, aparker@oaklandnet.com

- 5.
- Location:** Citywide
- Proposal:** General Plan Amendment: *2015-2023 Housing Element*
- Applicant:** City Planning Commission
- Case File Number:** GP14001
- Planning Permits Required:** General Plan Amendment
- General Plan:** All General Plan Categories
- Zoning:** All Zoning Categories
- Environmental Determination:** CEQA analysis underway
- Service Delivery District:** All
- City Council District:** All
- Status:** An informational item on the preparation of the *2015-2023 Housing Element* was brought to the February 19, 2014, Planning Commission meeting.
- Action to be Taken:** Provide feedback on the draft *2015-2023 Housing Element*
- Finality of Decision:** Direct staff to return with Final Draft 2015-2023 Housing Element
- For Further Information:** Contact case planner Alicia Parker at (510) 238-3362, aparker@oaklandnet.com



6.	Location:	Citywide
	Proposal:	Recommendation to the City Council to adopt amendments to the City's Planning Code to permit emergency homeless shelters by-right in locations recommended in this staff report, to comply with California State Law Senate Bill 2 (SB 2).
	Applicant:	City Planning Commission
	Case File Number:	ZT13336
	Planning Permits Required:	Oakland Planning Code Amendment
	General Plan:	Mixed Housing Type Residential, Neighborhood Center Mixed Use, Institutional, Community Commercial, Urban Residential, General Industrial, Housing and Business Mix, Estuary Policy Plan (Light Industry 1)
	Zoning:	RU-3, RM-2, CN-3, S-1, CC-2, CN-3, RU-5, CC-3, I-G, CIX-1, M-30, C-40, S-15, CIX-2, OS (PMP), HBX-2, RU-4, RU-5, CN-1, CN-2
	Environmental Determination:	The proposed emergency shelter location and development standards would be an amendment to the Oakland Planning Code and relies on the previously certified 2007-2014 Housing Element Final EIR (2010)
	Service Delivery District:	1, 2, 3, 4, 5
	City Council District:	1, 2, 3, 4, 5, 6
	Status:	A meeting of the City Planning Commission Zoning Update Committee was held on December 11, 2013.
	Action to be Taken:	Discuss and make recommendation to the City Council
	Finality of Decision:	Recommendation to City Council
	For Further Information:	Contact case planner Alicia Parker at (510) 238-3362, aparker@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:** 5610 Broadway (APN: 048A-7042-004-00)
5616 Broadway (APN: 048A-7042-005-00) (location of addition and variances)
5633 Manila Avenue (APN: 048A-7041-002-00) (03/16/09)
- Proposal:** To modify an existing 1,309 sq. ft. single-family residence with a garage by raising it and creating a 1,558 sq. ft. story underneath to a total of 25' 9" in height and converting the building for a Montessori preschool thereby increasing maximum enrollment by 55 children for the three-parcel campus to a total of 187 children. Parking will be provided at the 5633 Manila Avenue property and 5 new parking spaces will be added through tandem parking.
- Applicant/Phone Number:** Viet Truong, Kahn Design (510) 841-3555
- Owner:** Diana and Isidro Ovalle, Trustees
- Case File Number:** CDV09-044/A12-150
- Planning Permits Required:** Appeal of a Minor Conditional Use Permit to allow the expansion of a Community Education Civic Activity and allow tandem parking, Design Review for exterior alterations, Variance for rear (4' where 15' is required) setback.
- General Plan:** Detached Unit Residential
- Zoning:** 5610 Broadway: RM-1, Mixed Housing Type Residential Zone
5616 Broadway: RM-1, Mixed Housing Type Residential Zone
5633 Manila Avenue: RD1, Detached Unit Residential Zone
- Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines:
Minor alterations to an existing facility;
Section 15332 of the State CEQA Guidelines:
Infill Projects;
Section 15183 of the State CEQA Guidelines:
Projects Consistent with a Community Plan, General Plan, or Zoning
- Historic Status:** 5610 Broadway: Potential/Not a Potential Designated Historic Property, Potentially Secondary or Superior Example;
Survey rating: XC3
5616 Broadway: Potential Designated Historic Property, Minor Importance, Potentially Secondary or Superior Example
Survey Rating: Dc3
5633 Manila Avenue, Potential Designated Historic Property, Secondary Importance or Superior Example
Survey Rating: C3
- Service Delivery District:** 2
- City Council District:** 1
- Status:** The application was approved by the Zoning Manager on August 1, 2012. The approval was subsequently appealed by the appellant on August 13, 2012. The Planning Commission voted by a non-binding straw vote to uphold the appeal on December 5, 2012 and directed the applicant and appellant to meet to try to work out a solution..
- Action to be taken:** Decision on Appeal
- Staff recommendation:** Deny the appeal and approve the revised application
- Finality of Decision:** *Final (Not Appealable pursuant to OMC Sec. 17.132.030)*
- For further information:** Contact case planner Ulla-Britt Jonsson at (510) 238-3322 or ujonsson@oaklandnet.com



COMMISSION BUSINESS

Approval of Minutes

April 2, 2014

Correspondence

City Council Actions

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 MEETING: May 21, 2014

*Revised 4-24-14 to indicate Item #3 (Jack London Square) removed from this agenda. It is anticipated to be replaced on the May 21, 2014 Commission Agenda (with separate notice to be provided)