



Vien Truong, Chair
C. Blake Huntsman, Vice Chair
Michael Colbruno
Michael Coleman
Jim Moore
Chris Pattillo
Jonelyn Whales

December 5, 2012
Regular Meeting

Revised 11-15-2012 *(See at the 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

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**

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.

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.	Project Name:	Wood Street Music Hall
	Location:	2240 Wood Street (APN007-0575-004-00)
	Proposal:	Allow Alcoholic Beverage Sales (bar/nightclub) and entertainment
	Contact Person/Phone Number:	Alan Lucchesi, (510)207-4790
	Owner:	Famiglia Di Musica LLC
	Case File Number:	CMV11-220
	Planning Permits Required:	Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity (bar/nightclub), Variance for Location Within 1,000 Feet of a Park; and Minor Conditional Use Permit for Group Assembly/entertainment, for nightclub activity in existing industrial/music studio facility
	General Plan:	Business Mix
	Zoning:	CIX-1 Commercial Industrial Mixed Use Zoning District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303
	Historic Status:	Not a Potential Designated Historic Property
	Service Delivery District:	1
	City Council District:	1
	Commission Action to Be Taken:	Approve Staff Recommendation
	Appeal:	To City Council
	For Further Information:	Contact David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

2.	Location:	From 23 rd St. in the south; Highway 580 in the north; Webster St. and lots on or near Broadway in the west; and Brook St., portions of Valdez St., 27 th St., and Harrison St. in the east.
	Proposal:	To extend the D-BR Broadway Retail Frontage District Interim Combining Zone regulations in Chapter 17.101C until final adoption of the Broadway/Valdez District Specific Plan and Zoning Regulations. And to make minor changes to the D-BR Zone Text, modify the Zoning Map to remove the Combining Zone from existing RM Mixed Housing Type Residential zones, and may include the establishment of a new residential use facility type for small-scale housing with the potential for accessory ground floor new Work/Live facility in the D-BR Zone only.
	Applicant:	Planning Commission
	Case File Number:	ZT12219 and RZ12222
	Planning Permits Required:	Zoning Text Amendment and Rezoning
	General Plan:	Community Commercial, Urban Residential, and Mixed Housing Type
	Zoning:	D-BR (combined with various base zones)

(continued on page 5)



(continued from page 4)

Environmental Determination: Several past environmental documents discussed and evaluated the environmental impacts associated with this proposal and reliance on them satisfies any requirements under the California Environmental Quality Act (CEQA), as specified by CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning". Those environmental documents include, but are not limited to, the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the Oakland General Plan, adopted in 1998.

Service Delivery District: 2

City Council District: 2

Action to be Taken: Recommendation by the Planning Commission

Finality of Decision: Final Approval by the City Council

For Further Information: Contact case planner **Laura Kaminski** at (510) 238-6809 or by email: lkaminski@oaklandnet.com

3.

Location: Central Estuary Area which is bounded by 19th Avenue to the north, 54th Avenue to the south, I-880 to the east and the Bay to the west.

Proposal: Conduct a public hearing and solicit /provide comments on the Draft Central Estuary Implementation Guide (CEIG) and the associated new Draft Zoning Chapter, Draft Design Guidelines and Draft Estuary Policy Plan Amendments, as well as the Public Review Draft of the Supplemental Environmental Impact Report (SEIR).

Applicant: City of Oakland, Department of Planning, Building and Neighborhood Preservation

Case File Number: ER11-0016/ ZT12109 / GP12110

Planning Permits Required: Adoption of the CEIG and the associated new Zoning Chapter, Design Guidelines and Estuary Policy Plan amendments

General Plan: Waterfront

Estuary Policy Plan: Light Industry-2, Waterfront Commercial Recreation-2, Planned Waterfront Development-2, Residential Mixed Use, Heavy Industrial, and General Commercial-1, Light Industry-3, Planned Waterfront Development-3, Parks

Zoning: M-30 General Industrial, M-40 Heavy Industrial, and HBX-3 Housing and Business Mix

Historic Status: n/a

Environmental Determination: A Supplemental Environmental Impact Report (SEIR) to the 1998 Oakland Estuary Policy Plan EIR is being prepared. The Draft SEIR was published for a 45 day public review period from November 9, 2012, to December 24, 2012.

(continued on page 6)



(continued from page 5)

Service Delivery District: 3, 4, 5

City Council District: 2, 5

Action to be Taken: None; solicit and provide comments to planning staff on the above documents

For Further Information: Contact case planner: Alicia Parker at (510)-238-3362, or by email: aparker@oaklandnet.com

4. **Location:** 4311-4317 MacArthur Boulevard (APN 030-1982-121-00 through 030-1982-123-00)
Project Title: High and MacArthur Mixed-Use Project
Proposal: Redevelopment of a vacant lot with a mixed-use project including approximately 115 units of senior housing, 3,446 square feet of ground-floor commercial space, and 65 parking spaces.
Applicant/Owner: AMG & Associates
Contact Person/Phone Number: Alexis Gevorgian/(818) 380-2600 x 14
Case File Numbers: CMDV10-312, ER10-0001
Planning Permits Required: Major Conditional Use Permit, Design Review, Major Variance, Parcel Map Waiver
General Plan: Neighborhood Center Mixed Use
Applicable Zoning: C-30 District Thoroughfare Commercial Zone; C-31 Special Retail Commercial Zone, S-4 Design Review Combining Zone (current zoning is CN-3 Neighborhood Commercial Zone 3 and CN-2 Neighborhood Commercial Zone 2)
Environmental Determination: A Focused Draft Environmental Impact Report (DEIR) was prepared. The 45-day public comment period on the DEIR began on October 26, 2012 and ends on December 10, 2012.
Historic Status: N/A (there are no buildings located on the project site)
Service Delivery District: 4
City Council District: 4
Date Filed: March 5, 2010
Status: Pending
Action to Be Taken: Receive public and Planning Commission comments on the DEIR.
For Further Information: Contact the case planner, Lynn Warner, at (510) 238-6983 or by email at lwarnar@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.

5.	Project Name: Temescal Plaza
	Location: 5095 Telegraph Avenue (APN013-1154-009-05)
	Proposal: Allow Increased Short-term Parking in Shopping Center Parking Lot
	Contact Person/Phone Number: Josh Reed (707)967-9846
	Owner: Temescal Plaza LLC
	Case File Number: A12-130
	Planning Permits Required: Appeal of a Zoning Manager finding that Condition 14 of PUDVMCMD94-219 does not permit converting 25 parking spaces in a shopping center parking lot from 2 hour turnover to ½hour turnover without Formal Revision to the Condition
	General Plan: Neighborhood Commercial
	Zoning: CN-2 Neighborhood Commercial Zoning District
	Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301
	Historic Status: Not a Potential Designated Historic Property
	Service Delivery District: 2
	City Council District: 1
	Commission Action to Be Taken: Approve Staff Recommendation
	Appeal: To City Council
	For Further Information: Contact David Valeska at (510) 238-2075 or dvalueska@oaklandnet.com

6.	Location: 5610 Broadway, 5616 Broadway, and 5633 Manila Avenue
	Assessor's Parcel Number: APNs: 048A-7042-004-00, 048A-7042-005-00, 048A-7041-002-00
	Proposal: Appeal of an Administrative decision to approve a modification to an existing 1,309 sq. ft. single-family residence with a garage at 5616 Broadway by raising it and creating a 1,558 sq. ft. story underneath to a total of 27'-3" in height, converting the building for a Montessori preschool, and increasing enrollment by 59 children for the three-parcel campus to a total of 191 children. Parking will be provided at 5633 Manila Avenue and 5 new tandem parking spaces will be added.
	Applicant: Viet Q. Truong / Kahn Design
	Owners: Isidro and Diane O'Valle
	Case File No: A12-150 (CDV09-044)
	Appellants: Jerald Shapiro, Laurel Shapiro, J.D. Zamfirescu
	Planning Permits Required: Minor Conditional Use Permit to allow the expansion of a Community Education Civic Activity and allow tandem parking; Regular Design Review to allow exterior alterations; Minor Variance to allow a rear yard of 4' where 15' is required.
	General Plan: Detached Unit Residential
	Zoning: 5610 Broadway: RM-1 Mixed Housing Type Residential Zone - 1 5616 Broadway: RM-1 Mixed Housing Type Residential Zone - 1 5633 Manila Avenue: RD-1 Detached Unit Residential Zone - 1

(continued on page 8)



(continued from page 7)

Environmental Determination for the Approval: 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; Survey rating: XC3? (Potentially Secondary or Superior Example);
5616 Broadway: Potential Designated Historic Property; Survey rating: Dc3 (Minor Importance, Potentially Secondary or Superior Example);
5633 Manila Avenue: Potential Designated Historic Property; Survey rating: C3 Secondary Importance or Superior Example

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.

Action to be Taken: Decision on appeal

Staff Recommendation: Deny the appeal thereby upholding the approval of the 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 by email at ujonsson@oaklandnet.com.

COMMISSION BUSINESS

Approval of Minutes

Correspondence

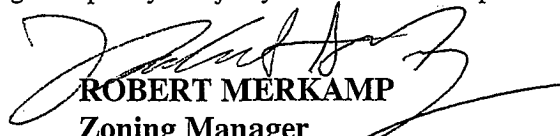
City Council Actions

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.


ROBERT MERKAMP
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: December 19, 2012

*Revised 11-15-12 to make edits items #2 and 3