



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

**December 18, 2013**  
**Regular Meeting**

**Revised 12-04-13\* (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.**

**Sgnt. 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 3<sup>rd</sup> floor (Suite 3315), which closes at 5:00 p.m.

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***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](http://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](mailto:cdunaway@oaklandnet.com) or 510-238-2912 or Gwen Brown at [gbrown@oaklandnet.com](mailto: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:** 4498 Piedmont Avenue (APN: 013-1126-003-00)  
**Proposal:** To establish a mortuary activity in an existing commercial building, and to make exterior façade alterations to include the addition of an attached rear carport for loading. Vehicular access to the carport will be through an existing driveway, located on a vacant lot at 18 Ramona Avenue.  
**Applicant:** Jeff Lindeman  
**Phone Number:** (510)658-2588  
**Owner:** Mountain View Cemetery  
**Case File Number:** VMD13319  
**Planning Permits Required:** Major Variance to conduct an undertaking activity (mortuary) in the CN-3 Neighborhood Commercial Zone;  
Regular Design Review for building alterations.  
**General Plan:** Neighborhood Center Mixed Use  
**Zoning:** CN-3 Neighborhood Commercial Zone  
**Environmental Determination:** Exempt, Section 15301(a) of the State CEQA Guidelines:  
Existing Facilities;  
Exempt, Section 15332 of the State CEQA Guidelines:  
In-Fill Development Projects;  
Section 15183 of the State CEQA Guidelines:  
Projects consistent with a Community Plan, General Plan or Zoning.  
**Historic Status:** Potential Designated Historic Property (PDHP)  
Survey Rating: C2+, contributor to the Mountain View Cemetery Support Area of Secondary Importance (ASI)  
**Service Delivery District:** 2  
**City Council District:** 1  
**Date Filed:** November 8, 2013  
**Action to be Taken:** Decision by the Planning Commission based on staff report  
**Finality of Decision:** Appealable to City Council within 10 calendar days  
**For Further Information:** Contact Case Planner: **Mike Rivera** at (510) 238-6417, or by email at [mrivera@oaklandnet.com](mailto:mrivera@oaklandnet.com).



2.	<b>Location:</b>	<b>3001-3039 Broadway (APN's: 009-0705-004-00; - 005-00; -006-00; &amp; -007-00)</b>
	<b>Proposal:</b>	The project would redevelop the existing vacant 1.9 acre lot (formerly used as a surface lot for a used auto dealership) with the new construction of a one-story approximately 36,000 square foot (per Planning Code) development that would include a Sprouts Farmers Market grocery store of approximately 26,000 square feet and approximately 10,000 square feet (per Planning Code) of additional ground floor commercial space. The project would contain auto access off of 30 <sup>th</sup> Street and provide 168 parking spaces in both ground level parking (26 spaces) and a rooftop parking deck (142 spaces).
	<b>Applicant:</b>	Lowney Architects
	<b>Contact Person/Phone Number:</b>	Ken Lowney - (510)836-5400
	<b>Owner:</b>	30 <sup>th</sup> & Broadway LLC
	<b>Case File Number:</b>	<b>ER12-0007, CMDV13-194 &amp; TPM10164</b>
	<b>Planning Permits Required:</b>	Major Conditional Use permits (New Construction in excess of 10,000 square feet, Alcohol Sales, and a Master Sign Program), Regular Design Review for new construction, Minor Variances for exceeding the maximum front setback of 10 feet for more than 50% of the frontage to create a plaza, for not meeting the minimum conditionally permitted building height of 25 feet, and required loading berths (2 required; 1 proposed), and a Vesting Tentative Parcel Map for merging four lots into one.
	<b>General Plan:</b>	Community Commercial
	<b>Zoning:</b>	CC-2, Community Commercial Zone – 2 (Height Area – 75) D-BR, Broadway Retail Frontage Zone
	<b>Environmental Determination:</b>	Draft Environmental Impact Report was published for a 45-day review period from August 16, 2013 to September 30, 2013. The Final EIR will be published on December 6, 2013.
	<b>Historic Status:</b>	Vacant Lot
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	3
	<b>Action to be Taken:</b>	Adopt the CEQA findings, including Certification of the Environmental Impact Report and Statement of Overriding Considerations, and decision on the applications based on staff report.
	<b>For Further Information:</b>	Contact case planner <b>Peterson Z. Vollmann</b> at (510) 238-6167 or by email: <a href="mailto:pvollman@oaklandnet.com">pvollman@oaklandnet.com</a> .

PLEASE NOTE: ITEM #3, FOLLOWING PAGE (4690 TOMPKINS), HAS BEEN REMOVED FROM THIS AGENDA.



3. **Location:** 4690 Tompkins Avenue (APN: 037-2544-017-01)
- Proposal:** At a 2-acre property (bound by Tompkins Ave, Wilkie St, and Fair Ave) containing a vacant senior facility (built c. 1930), one occupied duplex, seven occupied single family homes, other non-residential buildings, an internal through-block driveway between facility and residences, open spaces, and trees:
- Split the lot along the internal driveway; convert the vacant senior facility into 40 condominium apartment units, with façade and site changes including balconies and patios; demolish a building to create a surface parking lot on-site along Tompkins Ave; create additional parking stalls throughout the site; tree removal and replacement; installation of landscaping throughout the site; illumination; and other minor site modifications including on stairs on grade leading to Fair Ave.
- Community meetings and a Design Review Committee meeting on June 26, 2013 have been held; suggested revisions have been incorporated and a traffic study has been submitted*
- Contact/** Kevin Skiles
- Phone Number:** (415) 659-9409
- Owner:** 4690 Tompkins LLC
- Case File Numbers:** CMD13067 / TPM10191 / T1300012
- Planning Permits Required:** Major Conditional Use Permit to exceed 7 units on two lots in the RM-3 Zone on an existing site exceeding one acre;  
Minor Conditional Use Permits to construct a Multi Family Residential Facility in the RM-3 Zone; for lot split between existing buildings; for a shared access facility;  
Tentative Parcel Map to split one lot into two and establish 40 new apartment dwelling units as condominiums;  
Regular Design Review for construction of new dwelling units and for exterior architectural and site modifications;  
CEQA Class 32 Infill Development Project environmental review exemption;  
Tree Removal Permit to remove Protected Trees
- General Plan:** Mixed Housing Type Residential
- Zoning:** RM-3 Mixed Housing Type Residential Zone
- Environmental Determination:** Exempt, Section 15332 of the State CEQA Guidelines:  
In-Fill Development Projects;  
Section 15183 of the State CEQA Guidelines:  
Projects Consistent with a Community Plan, General Plan or Zoning
- Historic Status:** Potential Designated Historic Property (PDHP);  
Survey rating: B+ (major importance)
- Service Delivery District:** 4
- City Council District:** 4
- Dates Filed:** February 20, 2013 / November 14, 2013 (TPM)
- Action to be Taken:** Decision 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



***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.

***COMMISSION BUSINESS***

**Approval of Minutes**

November 20, 2013

**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:*** January 15, 2014

\*Revised 12-04-13 to remove Item #3 (4690 Tompkins) from this agenda.