



*Michael Colbruno, Chair
C. Blake Huntsman, Vice Chair
Doug Boxer
Sandra E. Gálvez
Anne Mudge
Madeleine Zayas-Mart*

January 21, 2009
Regular Meeting

REVISED 1-15-09* (See end of Agenda)

MEAL GATHERING **5:00P.M.**

Saigon Restaurant, 326 Frank H. 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 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 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 of the Chair. Persons wishing to address the continued item may do so under Open Forum.

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 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.**

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 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 write “Planning Commission” on the back of the parking ticket.

Applicants or members of the public that plan power point presentations: Please contact Robynn Parker at raparker@oaklandnet.com or 510-238-2950 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

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.

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|-----------|---|
| 1. | Location: <u>185 – 98th Avenue</u>
(APN: 044-5020-002-24) |
| | Proposal: To add a drive-through car wash facility to newly constructed multi-service commercial development. |
| | Owner/Applicant: Two Four One LLC. |
| | Contact Person /Phone No.: Ali Amidy (408)497-4137 |
| | Case File Number: CMD08-250 (CP08-129) |
| | Planning Permits Required: Major Interim Conditional Use Permit for a drive-through facility, Design Review for new construction, and Creek Protection Permit to protect adjacent watercourse. |
| | General Plan: Business Mix |
| | Zoning: C-36 Gateway Boulevard Service Commercial Zone |
| | Environmental Determination: State CEQA Guidelines: Categorically Exempt, Sections 15301 and 15303; minor alterations to existing facilities, and new construction of small structures. Special Situation, Section 15183, projects consistent with a community plan, general plan or zoning. |
| | Historic Status: Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A |
| | Service Delivery District: 6 |
| | City Council District: 7 |
| | Date Filed: September 4, 2008 |
| | Status: This item was on the December 3, 2008 agenda and after the public hearing was closed, it was continued the December 17, 2008 agenda to include creek permit findings. |
| | Action to be taken: Decision based on staff report |
| | Finality of Decision: Appealable to City Council |
| | For further information: Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at: mbrenyah@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.

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.

2.	Location:	720 East 11th Street (APN: 019-0033-010-02)
	Proposal:	New construction of a four story building containing 55 affordable dwelling units and community center with parking for 55 cars on the ground floor.
	Applicant:	Robert Stevenson
	Contact Person/Phone Number:	Same (415) 786-6631
	Owner:	Richard Cochran
	Case File Number:	<u>CMD08-255</u>
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Planning Permits Required:

Major Design Review for new construction of a building exceeding 25,000 square feet, and Conditional Use Permit for a density bonus for Residential Density in excess of what is allowed within the Housing and Business Mix-2 General Plan Area.

General Plan:

Housing and Business Mix

Zoning:

HBX-2 Zone

Environmental Determination:

Exempt, Section 15332, State CEQA Guidelines, Infill Development. Exempt, 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); rating: X (vacant lot)

Service Delivery District:

3

City Council District:

2

Status:

Pending

Action to be Taken:

Decision on application based on staff report.

Finality of Decision:

Appealable to City Council

For Further Information:

Contact case planner **Moe Hackett** at (510) 238-3973 or by email: mhackett@oaklandnet.com

3.

Location:

444 Hegenberger Road (APN's: 044-5076-003-01; & -010-00)

Proposal:

Conversion of an existing commercial property and structure into a new K-12 public charter school for up to 650 students.

Applicant:

Lighthouse Community Charter School

Contact Person/Phone Number:

Jenna Staufer / (510)271-8801

Owner:

Unity Healthcare Workers Corporation

Case File Number:

CMD08-295 & DET08-088

Planning Permits Required:

Major Conditional Use Permit for Community Education, Regular Design Review and General Plan Determination request from the Planning Director to apply the Regional Commercial General Plan designation across the entire project site.

General Plan:

Regional Commercial / Business Mix

Zoning:

C-36, Gateway Boulevard Service Commercial Zone
S-4, Design Review Combining Zone

Environmental Determination:

Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects; and
Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.

Historic Status:

Not a Potentially Designated Historic Property; rating: F3

Service Delivery District:

6

City Council District:

7

Status:

Pending

Action to be Taken:

Decision on application based on Staff Report

Finality of Decision:

Appealable to City Council

For Further Information:

Contact case planner **Peterson Z. Vollmann** at (510) 238-6167 or by email: pvollman@oaklandnet.com.



- 4.**
- Location:** **481 9th Street (APN 001-0201-002-00)**
- Proposal:** Alcoholic Beverage Service—Not in a Full Service Restaurant (Dinner Only) in a 3,000 square foot space in Old Oakland
- Contact Person/Phone Number:** Thomas Saxby AIA, (510)451-1720 for Lounge Group LLC
- Owner:** PSAI Old Oakland Associates LLC (Levende East)
- Case File Number:** [CM08-260](#)
- Planning Permits Required:** Major Conditional Use Permit for Alcoholic Beverage Sales
- General Plan:** Central Business District
- Zoning:** C-52 Old Oakland Commercial Zoning District, S-7 Preservation Combining Zoning District, S-17 Downtown Residential Open Space Combining Zoning District
- Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines: Modification of small structures
Additional citation: Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
- Historic Status:** Designated Historic Property/City Landmark (No substantial exterior alterations proposed).
- Service Delivery District:** Metro
- City Council District:** 3
- For Further Information:** Contact **David Valeska** at **(510) 238-2075** or dvaleska@oaklandnet.com

- 5.**
- Location:** **545 International Boulevard (APN: 020 -0124-006-02)**
- Proposal:** To allow a lunch/dinner restaurant (Chai Thai Noodles) with a 500 square-foot dining room (approx.) and a 10:00 p.m. closing time to serve beer and wine.
- Contact Person/Phone Number:** Mr. Sounsavanh Manyvong
(510) 832-2500
- Owner:** Anh Thieu Tran
- Case File Number:** [CM 08-263](#)
- Planning Permits Required:** Major Conditional Use Permit with Special Findings to allow an Alcoholic Beverage Sales Commercial Activity at a Full-Service Restaurant located on International Boulevard (OMC Sec. 17.54.060(C), 17.102.210(B)(2), 17.134.020(A)(2)(a)(viii))
- General Plan:** Neighborhood Center Mixed Use
- Zoning:** C-40 Community Thoroughfare Commercial Zone
- Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines: “operation of existing private structures, facilities”;
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;
Survey Rating: F3
- Service Delivery District:** III – Central/Chinatown/Lower Hills
- City Council District:** 2 – Councilmember Kernighan
- Date Filed:** September 29, 2008
- Action to be Taken:** Decision based on staff report
- Finality of Decision:** *Appealable to City Council*
- For Further Information:** Contact case planner **Aubrey Rose, Planner II** at **(510) 238-2071** or arose@oaklandnet.com



PLEASE NOTE: ITEMS #6, #7 and #8 BELOW, WILL NOT BE HEARD PRIOR TO 7:30 P.M.

6.	Location:	Fruitvale Transit Village (Phase 2) residential project Block bounded by 35th and 37th Avenues, East 12th Street and BART tracks. APNs: 033-2197-019 and 033-2177-021
	Proposal:	Scoping Session for an Environmental Impact Report to receive comments regarding potential impacts related to the construction of 275 residential units on approximately 3.4 acres adjacent to the Fruitvale BART station. The proposed project is designed as a 4-story condominium/apartment building wrapped around a five-story parking garage with 275 spaces. The site is currently used as surface parking lot for BART patrons. The existing lot and associated landscaping are proposed to be removed from the project site and replaced by the proposed project.
	Applicant:	The Unity Council/Signature Properties
	Contact Person/Phone Number:	Patrick Van Ness, (925) 463-1122
	Owner:	Bay Area Rapid Transit District (BART)
	Case File Number:	<u>ER 08-0005/PUD 08-186/TPM 9662/CMD 08-185</u>
	Planning Permits Required:	Tentative Parcel Map, Major Conditional Use Permit, Preliminary Development Plan
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	S-15 (Transit Oriented Development Zone)
	Environmental Determination:	Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. An Initial Study and Notice of Preparation (NOP) to prepare the EIR was published on December 22, 2008. The comment period for the NOP ends on February 5, 2009.
	Historic Status:	None
	Service Delivery District:	4
	City Council District:	5
	Action to be Taken:	Receive public and Planning Commission comments about what information and analysis should be included in the Environmental Impact Report
	For Further Information:	Contact project planner Kristi Bascom at (925) 872-6327 or by email: kristi@planbmc.com



- 7.**
- Location:** **4171 MacArthur Boulevard (APN: 030 -1981-157-00)**
- Proposal:** To allow a lunch/dinner restaurant (“Trattoria Laurellino’s”) with a 578 square-foot dining room (approx..) and a 10:00 p.m. closing time to serve beer and wine.
- Contact Person/** Mr. Terrell Santiago
- Phone Number:** (510) 772-3248
- Owner:** Manos Development Corporation
- Case File Number:** [CM08-326](#)
- Planning Permits Required:** Major Conditional Use Permit with Special Findings to allow an Alcoholic Beverage Sales Commercial Activity at a Full-Service Restaurant located on MacArthur Boulevard (OMC Sec. 17.54.060(C), 17.102.210(B)(2), 17.134.020(A)(2)(a)(viii))
- General Plan:** Neighborhood Center Mixed Use
- Zoning:** C-31 Special Retail Commercial Zone
- Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines: “operation of existing private structures, facilities”; 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+
- Service Delivery District:** IV – San Antonio/Fruitvale
- City Council District:** 4- Councilmember Quan
- Date Filed:** December 19, 2008
- Action to be Taken:** Decision based on staff report
- Finality of Decision:** *Appealable to City Council*
- For Further Information:** Contact case planner **Aubrey Rose, Planner II** at (510) 238-2071 or arose@oaklandnet.com

- 8.**
- Location:** **116 6th Street (APN: 001-0173-009-00)**
- Proposal:** Construction of a 6-story, mid-rise building containing 70 affordable senior apartment units.
- Applicant:** Teresa Clarke
- Contact Person/Phone Number:** Teresa Clarke / (510)649-8500
- Owner:** Affordable Housing Associates
- Case File Number:** **REV08-0024**
- Planning Permits Required:** Interim Major Conditional Use Permit for a density that exceeds the zoning but is consistent with the General Plan; Minor Conditional Use Permit for loading dimensions; Density Incentives per Government Code Section 65915d(C) for amount of parking; rear yard setback; and open space; Design Review.
- General Plan:** Central Business District
- Zoning:** C-40 Community Thoroughfare Commercial
S-4 Design Review Combining Zone /
S-17 Downtown Residential Open Space Combining Zone
- Environmental Determination:** Infill Exemption; CEQA Guidelines Section 15332
- Historic Status:** The project site is a vacant lot. The project is directly adjacent to several Potentially Designated Historic Properties (PDHP’s) with survey ratings of C1+. These properties are located within the 7th Street / Harrison Square Residential Historic District. This district is an Area of Primary Importance eligible for inclusion on the National Register of Historic Places.
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Service Delivery District:	Downtown Metro
City Council District:	2
Status:	Staff Report (findings contained)
Action to be Taken:	Decision based on staff report
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/overtakes 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.

(There are no appeals on this agenda)

COMMISSION BUSINESS

Approval of Minutes: November 5, November 19, and December 3, 2008

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: February 4, 2009

*Revised 1-15-09 to indicate all items from the January 14, 2009 agenda being continued to this agenda, due to the cancellation of the January 14, 2009 meeting.