



*Jim Moore, Chair
Adhi Nagraj, Vice Chair
Clark Manus
Amanda Monchamp
Jahmese Myres
Chris Pattillo
Emily Weinstein*

June 15, 2016

***Revised on June 1, 2016 (Please see end of agenda)**

MEAL GATHERING 5:15 P.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.

Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland

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 at the discretion of the Chair.

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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 work with the case planner listed for each item 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 Planning and Building Department 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 and Building 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.

El lugar de la reunión es accesible en silla de ruedas. Para solicitar materiales en formatos alternativos o solicitar un intérprete de lenguaje de señas o un aparato para escuchar, por favor llame al Departamento de Planificación y Construcción al 510-238-3941 o TDD 510-238-3254 al menos tres días hábiles antes de la reunión. Por favor absténgase de usar perfumes en esta reunión para que las personas sensitivas a perfume puedan asistir.

此會議場地有適合輪椅出入設施。如需要其他格式的會議資料，或ASL手語服務，或助聽器，請於會議至少三(3)天以前聯絡規劃及建設局，以便安排服務，電話510-238-3941或TDD 510-238-3254
。請勿塗搽香氛產品，參加者可能對化學成分敏感。多謝。



New online staff report
download instructions

Staff reports for items listed on this agenda will generally be available by 3:00 p.m. the Friday before the meeting, to any interested party, at the Planning and Building Department, 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 online, generally by 3:00 p.m. the Friday before the meeting, at www.oaklandnet.com/planning (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 Planning and Building Department, 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 (located at Clay Street and 14th Street) is free. Attendees should see staff at the meeting to validate parking tokens.

Applicants or members of the public that plan to make electronic presentations (e.g., PowerPoint presentations): Please contact Cheryl Dunaway at cdunaway@oaklandnet.com or 510-238-2912 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, twenty-five (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 may be distributed at or prior to the meeting. To ensure that material submitted at the meeting is distributed to Commissioners, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time the item 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. At the discretion of the Chair, 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 and recommendation in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

THIS ITEM HAS BEEN CONTINUED FROM JUNE 1, 2016

1.	Project Name:	Oakland Coffee Shop
	Location:	1612 International Boulevard (APN 020-0145-015-00)
	Proposal:	Allow Full Service Restaurant with Beer/wine Service
	Contact Person/Phone Number:	Tra Dickerson Jr (510) 990-7600
	Owner:	Tra Dickerson Jr.
	Case File Number:	PLN15-411
	Planning Permits Required:	Major Conditional Use Permit to allow a Full Service Restaurant with Alcoholic Beverage Service on a Restricted Street (San Pablo Avenue)
	General Plan:	Urban Residential
	Zoning:	RU-5 Urban Residential Zoning District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301 existing structures, 15183 projects consistent with adopted plans
	Historic Status:	Not a Potential Designated Historic Property
	Service Delivery District:	SDS-3
	City Council District:	2
	Commission Action to Be Taken:	Approve Staff Recommendation
	Appeal:	To City Council
	For Further Information:	David Valeska at (510) 238-2075 or dvalueska@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 Planning and Building Department, 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 for decision 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 for decision 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 (e.g., 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 Building Department, 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 of the required fee 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 Planning Commission prior to the close of the 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.



THIS ITEM HAS BEEN CONTINUED TO JUNE 22, 2016

2.	Location: Citywide.
	Proposal: Review additional proposed amendments to the Planning Code regulations for Secondary Units, including but not limited to: 1) clarification that homeowner association Covenants, Conditions, and Restrictions (CC&Rs) are one of the agreement types between parties that the zoning regulations are not intended to abrogate, annul, or impair; 2) revision to the definition of transit accessible areas to include the area within one-half mile of the intersection of Oakland Avenue and Santa Clara Avenue/MacArthur Boulevard; 3) clarification that a new Secondary Unit Facility may be permitted in the CC-3 Zone when there is no more than one existing Primary Unit on lot; 4) clarification that a Secondary Unit approved for Permanent Residential Activities only shall not be occupied on a less-than-weekly basis; 5) clarification that structures, including any detached Secondary Unit, may not cover more than 50% of the horizontal area of any required minimum rear yard; 6) revision to allow conversion of area in an existing primary dwelling into a Secondary Unit regardless of any nonconformity as to setback or height, similar to current provision applying to existing detached accessory structures; and 7) revision to allow detached Secondary Units to project into or locate within a minimum side or rear yard outside of the rear 35 feet of lot, as long as structure is at least 6 feet to rear of primary dwelling unit.
	Applicant: City of Oakland
	Case File Numbers: ZA16010
	Planning Permits Required: Not Applicable
	General Plan: Land Use and Transportation Element (LUTE) Areas: All Estuary Policy Plan Areas: All
	Zoning: All Zones citywide
	Environmental Determination: The proposed amendments to the Planning Code rely on the previous set of applicable CEQA documents including: the Coliseum Area Specific Plan EIR (2015); Broadway Valdez Specific Plan EIR (2014); West Oakland Specific Plan EIR (2014); Central Estuary Area Plan EIR (2013); Land Use and Transportation Element of the General Plan EIR (1998); the Oakland Estuary Policy Plan EIRs (1999, 2006) and Supplemental EIR (2013); the Redevelopment Area EIRs West Oakland (2003), Central City East (2003), Coliseum (1995), and Oakland Army Base (2002); the Historic Preservation Element of the General Plan EIR (1998); the 2007-2014 Housing Element Final EIR (2010) and Addendum (2014); and various Redevelopment Plan Final EIRs (collectively, "Previous CEQA Documents"). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, each as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
	Historic Status: Not Applicable
	Service-Delivery District: All
	City Council Districts: All
	Actions to be Taken: Receive public and Planning Commission comments on the proposed Planning Code amendments, and forward a recommendation on the proposed amendments to the City Council.
	For Further Information: Contact project planner Ed Manasse at 510-238-7733 or emanasse@oaklandnet.com



- 3.**
- Location:** Parcel generally bounded by Lake Merritt Boulevard to the north, East 12th Street to the east, 2nd Avenue to the south, and a City park/water treatment basin and Lake Merritt Channel to the west. (APN: 019-0027-014)
- Proposal:** Construction of two buildings over a two-story podium. The northern building is a 26-story residential tower, including the two story podium, which contains 252 market rate units and 18 “work force” units. The southern building includes eight stories, including the 2-story podium, and 91 affordable housing units. The project also includes a 1,476 commercial space and a 2,656 cultural center. Off-site improvements are also proposed to the existing stormwater treatment basin/park located adjacent to the site.
- Applicant:** Ronnie Turner – Urban Core
- Contact Person/Phone Number:** Ronnie Turner/(510)395-2766
- Owner:** City of Oakland
- Case File Number:** **PLN16-128**
- Planning Permits Required:** Design Review for new construction; Conditional Use Permits to be subject to the requirements of Height Area LM-275 instead of Height Area LM-85; for increased building base height; for reduced loading birth dimensions; for construction over 100,000 square feet, and for improvements to a stormwater treatment facility. Variance for a storefront depth of 28 feet instead of the required 50 feet; All permits are Major because the proposed construction is greater than 100,000 square feet in a D-LM zone.
- General Plan:** Urban Residential
- Zoning:** D-LM-1 Lake Merritt Station Area District Mixed Residential Zone – 1
- Environmental Determination:** The anticipated environmental effects of the project have been evaluated by the Lake Merritt Station Area Plan Final Environmental Impact Report (Final EIR) (certified November 2014). The project is also Categorically Exempt under 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; and 15183.3 (Streamlining for Infill Projects). These analyses and exemptions satisfy CEQA requirements on a separate and independent basis.
- Historic Status:** Empty lot; no historic properties.
- Service Delivery District:** 4
- City Council District:** 2
- Status:** Appealable to the City Council within ten days.
- Action to be Taken:** Decision on proposal based on staff’s recommendation
- Finality of Decision:** Appealable to the City Council within ten days.
- For Further Information:** Contact case planner Neil Gray at 510-238-3878 or by email: ngray@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 Planning and Building Department, 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 staff report and recommendation. If the Commission reverses/overturns the staff decision and no alternate findings for decisions 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 for decision 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

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
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: July 6, 2016

***Revised on June 1, 2016 to indicate the meeting location is in the Council Chambers and item #2 has been continued to June 22, 2016.**