

Oakland City Planning Commission AGENDA June 16, 2004

Oakland City Planning Commission AGENDA

Regular Meeting

June 16, 2004

Clinton Killian, Chair

Michael Lighty, Vice Chair

Nicole Franklin

Colland Jang

Suzie W. Lee

Mark McClure

Anne Mudge

Revised

MEAL GATHERING 5:00 P.M.

Max's Diner, 500-12th Street, Oakland City Center

Open to the public at no charge. (Members of the public must pay for their own meals if desired. Purchase of meal is not required to attend.)

BUSINESS MEETING 6:30 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 prior to the convening of the meeting or prior to 8:30 p.m. for matters scheduled to be heard after 8:30 p.m. Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes.

Agenda items will be called at the discretion of the Chair and not necessarily in the order they are listed on the agenda. However, a matter identified as an 8:30 p.m. item shall not be called until 8:30 p.m. or later. 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.

Staff reports for items listed on this agenda will be available by 3:00 p.m. the Wednesday, one week 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 3330), which closes at 5:00 p.m.

Staff reports are also available on-line, generally one week prior to each 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. For further information, please call 510-238-3941. 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.

If you challenge a Commission decision in court, you may 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.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

Committee Reports

Commission Matters

- Summer Meeting Schedule
- Chair/Vice Chair Election

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.

(NOTE: Item #1 has been removed from the agenda and rescheduled to July 7, 2004.)

1.	Location:	120 – 142 Caldecott Lane (APN: 048H-7520-019)
	Proposal:	Appeal of Environmental Services Creek decision that waterway on property is a creek.
	Applicant:	Athan Magganas
	Contact Person/Phone Number:	Athan Magganas / (510) 223-4483
	Owner:	Athan Magganas
	Case File Number:	A04-117 (CDET04-002)
	General Plan:	Hillside Residential
	Zoning:	Various -- OS (SU) Open Space Special Use Park Zone; S-10 Scenic Route Combining Zone; S-14 Community Restoration Development Combining Zone; S-18 Mediated Residential Design Review Combining Zone.
	Environmental Determination:	The appeal has been determined to be exempt from environmental review under California Environmental Quality Act (CEQA); Section 15307 and/or 15308
	Historic Status:	No historic record
	Service Delivery District:	II – North Hills
	City Council District:	1
	Status:	The determination letter was dated March 9, 2004. An appeal of the creek determination was filed on March 17, 2004.
	Action to be Taken:	Uphold the appeal that the waterway on the appellants' property is not a creek.
	Finality of Decision:	<i>Planning Commission decision is a final, non-appealable decision.</i>
	For Further Information:	Contact Kristin Hathaway at (510) 238-7571 or by email: khathaway@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. The Commission will then vote on the matter based on the staff report and recommendation. 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) days of the date of the announcement of the Planning Commission decision. If you challenge a Commission decision in court, you may 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.

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 Commissioners, 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 Secretary no later than 48 hours prior to the meeting, and preferably earlier.

2.	Location:	230 Bay Place, Cox Cadillac Site (APN: 010-0795-027-01)
	Proposal:	Amendment to an Approved application, CMDV04-063, ER04-0001, at 230 Bay Place (Cox Cadillac site) consisting of the elimination of the residential component of the project and the redesign and enlargement of the grocery store component from a 28,300 sq. ft. addition to a 44,300 sq. ft. addition to the rear of the 11,700 sq. ft. Landmark Cox Cadillac showroom, including a two-story, parking structure, with the upper level as an open, roof parking area. The existing Landmark Cox Cadillac showroom would be rehabilitated as previously approved, with a modification to the location of the elevator/stair circulation within the showroom.
	Applicant:	Bond CC Oakland, LLC
	Contact Person/Phone Number:	Alan Chapman, Vice President / (312) 853-0070
	Owner:	Bond CC Oakland, LLC
	Case File Number:	ER04-0001, CMDV04-063
	Planning Permits Required:	Major Variances for reduced rear and side setbacks, two loading berths (where three are required), and reduced parking; Major Conditional Use Permit for the creation of more than one driveway to serve the project; Design Review.
	General Plan:	Urban Residential and Neighborhood Center Mixed Use
	Zoning:	C-30, District Thoroughfare Commercial and S-12, Residential Parking Combining Zone
	Environmental Determination:	Addendum to 2001 Certified Final Environmental Impact Report for the Avalon Bay at Lake Merritt Project Per CEQA Guidelines Sections 15162 and 15164.

Historic Status:	Designated City of Oakland Landmark, Cox Cadillac Showroom
Service Delivery District:	San Antonio 3
City Council District:	3
Status:	Pending
Action to be Taken:	Decision on application and adoption of Addendum to FEIR based on staff report.
Finality of Decision:	<i>Appealable to City Council</i>
For Further Information:	Contact Development Director Claudia Cappio at (510) 238-2229 or by email: ccappio@oaklandnet.com .

3.	Location:	Approximately 62 acres of waterfront property bounded by Fallon Street, Embarcadero Road, Tenth Avenue, and the Oakland Estuary. APNS 0430-001-02, 0430-001-04 (por), 0460-003, 004, 0465-002, 0470-002 (por)
	Proposal:	Scoping Session for a Draft Environmental Impact Report to receive comments regarding potential impacts related to a residential, commercial and open space mixed use development. The site would be redeveloped with up to 3,100 residential units, up to 200,000 square feet of ground-floor commercial space, 3,500 structured parking spaces, approximately 27 acres of public open space, two renovated marinas, and a wetlands restoration area.
	Applicant:	Oakland Harbor Partners, LLC
	Contact Person/Phone Number:	Patrick Van Ness (925) 463-1122
	Owner:	Port of Oakland
	Case File Number:	ER 04-0009
	Planning Permits Required:	Estuary Policy Plan amendment, zoning amendment, planned unit development, subdivision, design review, development agreement
	General Plan:	Estuary Policy Plan: Planned Waterfront District (PWD-1); Parks
	Zoning:	Primarily M-40, Heavy Industrial and a small portion zoned S-2/S-4 Civic Center/Design Review
	Environmental Determination:	An environmental review application has been filed. A determination has been made that an EIR will be prepared.

	Historic Status:	Ninth Street Terminal – Oakland Cultural Heritage Survey Rating A; City of Oakland Landmark Status Pending
	Service Delivery Districts:	Downtown Metro and San Antonio 3
	City Council Districts:	District 2 (Wan), District 3 (Nadel)
	Status:	The Notice of Preparation was published and distributed on 5/28/2004
	Action to be Taken:	Receive public and Commission comments about what information and analysis should be included in the Environmental Impact Report.
	Finality of Decision:	Request for Information Only
	For Further Information:	Contact project planner Margaret Stanzione at (510) 238-4932 or by email at mstanzione@oaklandnet.com
4.	Location:	Citywide
	Proposal:	To amend the Oakland Planning Code to regulate activities related to check cashier and or check cashing activities and limit where such activities may occur.
	Applicant:	City of Oakland
	Contact Person/Phone Number:	(See Below)
	Case File Number:	ZT03-567
	Planning Permits Required:	Zoning Text Change
	General Plan:	Citywide
	Zoning:	Citywide
	Environmental Determination:	Exempt 15061(b)(3), State CEQA Guidelines, "General Rule", no possibility of significant effect on the environment.
	Service Delivery District:	Citywide
	City Council District:	Citywide
	Status:	Pending
	Action to be Taken:	Open public hearing, take testimony and forward recommendation to the City Council.
	Finality of Decision:	<i>Recommendation to the Oakland City Council</i>
	For Further Information:	Contact case planner Chris Candell at (510) 238-6986 or by email: ccandell@oaklandnet.com .
	Location:	3426 Peralta Street

5.	Proposal:	Revision to the existing Conditional Use Permit for Alliance Metals to specifically require compliance to the noise standards in Planning Code Section 17.120.050.
	Applicant:	Planning Commission
	Contact Person/Phone Number:	Jay Anast / Alliance Metals (510) 547-2408
	Owner:	Jay Anast
	Case File Number:	REV04006
	Planning Permits Required:	Revision to existing permits
	General Plan:	Housing & Business Mix
	Zoning:	M-30 General Industrial Zone
	Environmental Determination:	Exempt per Section 15301- Minor Alterations to Existing Facilities
	Historic Status:	No Historic Record
	Service Delivery District:	I- West Oakland
	City Council District:	3
	Status:	n/a
	Action to be Taken:	Revise Conditional Use Permit CM95143 to add a condition requiring compliance to the noise standards in the Planning Code.
	Finality of Decision:	N/A
	For Further Information:	Contact case planner Margot Lederer Prado at (510) 238-6766 or by email at @oaklandnet.com
	6.	Project Name:
Location:		Butters Canyon neighborhood (generally bounded by Joaquin Miller Road/Park to the north, Holy Names College and Highway 13 to the south and west, and Crestmont Drive to the east).
Assessors Parcel Numbers:		Various
Proposal:		Rezone from the R-30 One-Family Residential Zone to the R-20 Low Density residential Zone
Applicant:		City of Oakland
Owner:		Various
Case File Number:		RZ04-043
Planning Permits Required:		Rezone

	General Plan:	Hillside Residential
	Zoning:	R-30 One Family Residential Zone
	Environmental Determination:	Exempt, Section 15061(b)(3), State CEQA Guidelines, projects which will not result in a significant effect on the environment.
	Historic Status:	Various
	Service Delivery District:	IV – South Hills
	City Council District:	4
	Status:	The Special Projects Committee reviewed the proposal on March 31, 2004 and forwarded the matter to the Planning Commission.
	Action to be Taken:	Recommendation to the City Council
	For further information:	Contact the case planner, Darin Ranelletti, Planner II, at (510) 238-3663 or by e-mail at dranelletti@oaklandnet.com
7.	Location:	Concordia Park; 3000 62 nd Ave. (APN 038 –3188-001-07)
	Proposal:	To construct a new Girls Inc. Recreation Center including: two portable buildings (1,980 S.F.), deck, walkway, and arbor.
	Applicant:	Girls Inc. c/o Anne Phillips Architecture
	Contact Person/Phone Number:	Anne Phillips / (510) 841-7056
	Owner:	City of Oakland
	Case File Number:	<u>CM04-264</u>
	Planning Permits Required:	Major Conditional Use Permit for Community Assembly and Community Education.
	General Plan:	Urban Open Space
	Zoning:	Open Space (Neighborhood Park)
	Environmental Determination:	Infill Exemption; CEQA Guidelines Section 15332
	Historic Status:	Non-historic Property
	Service Delivery District:	V – Central East Oakland
	City Council District:	6
	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 email at hklein@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes: June 2, 2004

Correspondence:

City Council Actions: June 15, 2004

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.

GARY V. PATTON

Deputy Director of

Planning and Zoning

NEXT REGULAR MEETING: JULY 7, 2004