

FINDINGS FOR APPROVAL FOR CU05-480, 3900 PIEDMONT AVENUE

FINDINGS FOR APPROVAL:

The Planning Commission finds that the proposal meets all the required Use Permit criteria (Sections 17.134.050 & 17.44.110) as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal does or does not satisfy them are shown in normal type.

SECTION 17.134.050 – MINOR CONDITIONAL USE PERMIT FINDINGS:

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

The Planning Commission finds that the proposal will not adversely affect the surrounding neighborhood given that the subject building will not undergo any significant exterior modifications and the proposed use will be similar to that of a previous use as a bank which is in the same use classification of Financial and Consultative Business. The surrounding area is well served by mass transit and freeway access and would not create any negative impacts on surrounding traffic capacity.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The Planning Commission finds that the location, design and site planning of the proposed development will provide a functional working environment and will be as attractive as the nature of the use since no exterior changes are proposed to the existing layout of the subject property or structure, and the property will continue to look as it does in its current state.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

The Planning Commission finds that the proposed business would enhance the operation of the surrounding commercial district by introducing a new real estate office to the area and assist with bringing consumers to the Piedmont Avenue commercial district.

- D. That the proposal conforms to all applicable design review criteria set forth in the DESIGN REVIEW PROCEDURE of Chapter 17.136 of the Oakland Planning Code.**

The Planning Commission finds that the Design Review criteria are met since there are no significant exterior modifications proposed.

E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The Planning Commission finds that the proposal is compatible with the Neighborhood Center General Plan Area.

SECTION 17.44.110 – C-28 CONDITIONAL USE PERMIT FINDINGS:

A. That the proposal will not detract from the character desired for the area;

The Planning Commission finds that the proposal will not detract from the desired character of the area as the subject building will not undergo any significant exterior modifications and will essentially remain as it is today.

B. That the proposal will not impair a generally continuous wall of building facades;

The Planning Commission finds that since the building elevation will remain as it is today it will not further disrupt a continuous wall of building facades.

C. That the proposal will not weaken the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of an important shopping frontage;

The Planning Commission finds that the proposal would not weaken the concentration and continuity of retail facilities at the ground level because the building does not immediately lend itself to a retail establishment in its current state, and it would not impair the creation of an important shopping frontage because retail may not be a viable use at that location due to the size of the building and cost of renovation that would be required.

D. That the proposal will not interfere with the movement of people along an important pedestrian street;

The Planning Commission finds that the proposal will not create a new situation that would further interfere with the movement of people along Piedmont Avenue, as all curb cuts are existing.

E. That no front yard parking, loading area, or driveway shall connect or abut directly with the principal commercial street unless the determination can be made:

1. That vehicular access cannot reasonably be provided from a different street or other way,

The Planning Commission finds that the subject lot presently contains two vehicular access points, one of which is for access to the parking lot at the rear of the building with access off Montell Street, and the other is a former drive through that was necessary to accommodate the drive up teller for the previous bank that operated at the location. The drive through element which comes directly out onto Piedmont Avenue is no longer necessary and should be removed.

2. That every reasonable effort has been made to share means of vehicular access with abutting properties, and

The Planning Commission finds that it would not be feasible to share a driveway with another commercial lot as the adjacent building on Piedmont appears built out to the property line.

F. That the amount of off-street parking, if any, provided in excess of the requirements of this code will not contribute significantly to an increased orientation of the area to automobile or truck movement.

The Planning Commission finds that the proposal will not change from the existing configuration, as the site was previously developed with auto orientation in mind, but contains a rear parking lot that limits its visual presence from the street. The curb cut on Piedmont Avenue should be removed.

G. The proposal will conform in all significant respects with any applicable district plan which has been adopted by the City Council;

The Planning Commission finds that the proposal is compatible with the Neighborhood Center General Plan Area.