

<b>Location:</b>	<b>251 9<sup>th</sup> Street</b> <b>(APN 001 –0185-009-00)</b>
<b>Proposal:</b>	Proposal to construct a 29-unit condominium building.
<b>Owners and Applicants:</b>	Applicant : Gene Spencer Owner: Dina Mladinich
<b>Planning Permits Required:</b>	Major Conditional Use Permit to allow for more than 7 units in the R-80 zone, Minor Variances to allow for a 0' front setback where 10' is required, 5' rear setback where 10' is required, and a 22'-8" backing distance behind several garage parking spaces where 24' is required.
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	R-80 High-Rise Apartment Residential District, S-17
<b>Environmental Determination:</b>	Exempt, Section 15332, State CEQA Guidelines, urban infill
<b>Historic Status:</b>	Potentially Designated Historic Property (PDHP); Survey Rating C3
<b>Service Delivery District:</b>	III- Chinatown
<b>City Council District:</b>	2
<b>For further information:</b>	Contact case planner <b>Robert Merkamp</b> at <b>510 238-6283</b> or by e-mail at <b>rmerkamp@oaklandnet.com</b>

## SUMMARY

Gene Spencer had submitted an application to construct a 29-unit residential structure on a .28-acre site at the corner of Alice and 9<sup>th</sup> Streets. On September 17, 2003, the Planning Commission reviewed and considered the major conditional use permit to allow more than 7 units in the R-80 zone, variances for front and rear setbacks, and less than the minimum vehicular backing distance.

The property owner of the adjacent Engine Co. No. 11 Firehouse spoke in favor of the project, but requested that the City of Oakland add as a condition of approval under the dust control plan, that the developer power-wash his building after the construction on the proposed building. The firehouse owner had recently completed an exterior restoration of the building. The property owner on the northern side was concerned with the building height, density, and setbacks, as it pertained to sunlight and ventilation. He also has a development application in with the City of Oakland and was concerned with the location of the proposed building's utility and trash area. He requested that the Planning Commission not act on the minor variances at this time and that he have an opportunity to consult with the developer and architect of the proposed building to resolve his concerns, pertaining to the proposed setbacks.

Commissioner Jang requested that the project be sent to the Design Review Committee for further study. He was concerned with the front setback variance and the hard edge that the building presented along the public sidewalk. He would like to see additional design refinements that showed a more activated street frontage. He believed that there was room in the site plan to accommodate front stoops, as an example. In addition, he stated that the density and the height were not an issue, but he would like to revisit the other setbacks, as well as provide the

opportunity for the previous speaker to work out his concerns with the architect and the developer for the proposed building.

The Commissioners made a motion to send the application back to the Design Review Committee before bringing the application back to the Planning Commission for final action.

## CONCLUSION

Staff recommends the Design Review Committee review and comment on the site layout and building design of the proposed project, with emphasis on the issues discussed above, as well as any other issues the Committee may have.

Respectfully submitted:

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Claudia Cappio  
Director of Development

Prepared by:

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Heather Klein  
Planner II, Major Development Projects

Attachments:

Planning Commission September 17, 2003 staff report, project plans Oakland