



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

June 3, 2009
Regular Meeting

MEAL GATHERING 5:15 P.M.

Saigon Restaurant, 326 Frank 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.

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

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**

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.

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.

1. **Location:** 6161 Coliseum Way (APN: 041-3906-011-00) (12/31/07)
(Reconsideration)
Proposal: This is a reconsideration of a Planning Commission decision to establish a fast food sales service (mobile Taco Truck) at a paved corner of an industrial lot with an existing structure. The item was originally heard on March 18, 2009. The Planning Commission voted to reconsider the item at a hearing requested by the applicant on May 6, 2009.

Applicant: Maria Menendez
Contact Person/Phone Number: Same (510)569-8418
Owner: Huey B. Hoang
Case File Number: **CM07-553**
Planning Permits Required: Major Conditional Use Permit for the creation of a fast food service.
General Plan: Business Mix
Zoning: CIX2, Commercial Industrial Zone
Environmental Determination: 15301, Existing Structures, 15183, projects consistent with a community plan, general plan, or zoning
Historic Status: Not a Historic Property
Service Delivery District: 5 -Tidewater
City Council District: 6
Status: Pending
Action to be Taken: Decision based of staff recommendation
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

2. **Location:** 1982 Pleasant Valley Avenue (APN 013-1134-036-02 et al.)
Proposal: To allow activities of the C-30 zone including commercial and office
Applicant: Jon Anderson
Owners: Claremont Country Club
Contact Person/Phone Number: Jon Anderson (925) 226-5896
Case File Number: **CMD09-076**
Planning Permits Required: Major Interim Conditional Use Permit to allow activities allowable in the C -30 District Thoroughfare Commercial zone, and Regular Design Review to modify existing commercial building; for property currently zoned R-50 Medium Density Residential/S-4 Design Review Combining Zoning District, on 5.5 acres including former site of the 7,400 square foot Emil Villas/Hickory Pit restaurant and parking lots, per approved Zoning Determination DET09-16 finding C-30 zoning activities consistent with the General Plan Land Use and Transportation Element (LUTE)

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General Plan: Community Commercial
Zoning: R-50 Medium Density Residential/S-4 Design Review Combining Zone
Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; Modification of Existing Facilities, Section 15183, Consistent with general plan, community plan, or zoning
Historic Status: Not historic/PDHP
Service Delivery District: 2
City Council District: 1
For further information: Contact case planner **David Valeska**, at **(510) 238-2075** or **dvalueska@oaklandnet.com**

3. **Location:** **Multiple parcels immediately adjacent to the MacArthur BART Station; on the west side of Telegraph Avenue Street between 40th Street and West MacArthur Boulevard**

Assessors Parcel Numbers: 012-0969-053-03, 012-0968-055-01, 012-0967-049-01, 012-0969-002-00, 012-0969-003-00, 012-0969-053-02, 012-0969-004-00, 012-0968-003-01, 012-0967-009-00, 012-0967-010-00, 012-0967-008-00 & 012-0967-007-00

Proposal: Recommend to the City Council approval of a Development Agreement (In July 2008, the City Council certified the EIR, and adopted a Rezoning, Zoning Text Amendment, PUD, Design Review, CUP and Tree Removal Permits for the MacArthur Transit Village Project, based upon a recommendation from the City Planning Commission).

Applicant: MacArthur Transit Community Partners (MTCP)
Contact Person: Joseph McCarthy (510) 273-2009
Owner: BART and multiple other property owners
Planning Permits Required: Development Agreement
General Plan: Neighborhood Center Mixed Use
Zoning: S-15 Transit-Oriented Development Zone and C-28 Commercial Shopping Zone

Environmental Determination: An Addendum to the previously certified MacArthur Transit Village EIR is being prepared.

Historic Status: No CEQA historic resources are affected by the project; none of the existing buildings on-site are considered CEQA historic resources and none of the buildings on the project site are within, or are contributors to, a historic district.

Service Delivery District: Service District 2
City Council District: 1
Status: Pending.

Action to be Taken: Recommendation to City Council for Development Agreement
For Further Information: Contact the case planner, **Charity Wagner**, at **(415) 730-6718** or by e-mail at **clwagner@rrmdesign.com**



4.	Location:	Citywide
	Proposal:	General Plan Amendment: <i>2007-2014 Housing Element</i>
	Applicant:	City of Oakland—Strategic Planning
	Case File Number:	GP 09079
	General Plan:	Proposed General Plan Amendment: <i>2007-2014 Housing Element</i>
	Zoning:	Various Citywide
	Environmental Determination:	CEQA analysis underway
	Historic Status:	Various Citywide
	Service Delivery District:	All
	City Council District:	All
	Action to be Taken:	Recommendation to the City Council to adopt the <i>2007-2014 Housing Element</i> , an Element of the Oakland General Plan.
	For further information:	Contact case planner Devan Reiff , at (510) 238-3550 or dreiff@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/overturns 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: May 20, 2009

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: June 17, 2009