



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

June 17, 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

Commission Election of Officers

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.

1.	Location:	Surplus parcel adjacent to 3207 Mandela Parkway (007-0599-003-02) and further bounded by parcels 007-0599-006-00 and 007-0599-009-00
	Proposal:	To determine the appropriate zoning classification of City-owned surplus properties prior to potential sale.
	Applicant:	City of Oakland
	Contact Person:	City of Oakland Real Estate Services Division, Frank Fanelli
	Phone Number:	(510) 238-6354
	Owner:	City of Oakland
	Case File Number:	ZR09-122
	Planning Permits Required:	Zoning Review to determine the appropriateness of the current zoning classification
	General Plan:	Business Mix
	Zoning:	CIX-1(Commercial Industrial Mix-1) and S-19(Health and Safety Protection Overlay Zone Pursuant to determination DET09-031
	Environmental Determination:	Exempt, Section 15312 of the State CEQA Guidelines: Surplus Government Property Sales; Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	Historic Status:	Not a Potential Designated Historic Property; Survey rating: Unknown
	Service Delivery District:	1
	City Council District:	3
	Action to be Taken:	Determination of appropriate zoning classification and recommendation to the City Council based on staff report
	Finality of Decision:	Recommendation to the City Council
	For further information:	Contact case planner Maurice Brenyah-Addow, Planner III at (510) 238-6342 or mbrenyah@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 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.

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| 2. | Location: | 3232 Foothill Boulevard (APN 027-0837-024-01) |
| | Proposal: | Alterations to an existing drug store and pharmacy including a new drive through, new signage, façade improvements and new landscaping. |
| | Applicant: | Walgreens |
| | Contact Person/Phone Number: | Ann Green, Rauschenback Marvell Becker, Architects
(916) 488-8500 |
| | Owner: | Champaign Realty, LLC |
| | Case File Number: | CMD09-112 |
| | Planning Permits Required: | Major Conditional Use Permit for a drive through facility and Regular Design Review for new signs. |
| (continued on page 5) | | |

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| (continued from page 4) | |
| General Plan: | Neighborhood Center |
| Zoning: | C-30, District Thoroughfare Commercial Zone |
| Environmental Determination: | Exempt, Section 15301 of the State CEQA Guidelines: existing facility
Section 15183 of the State CEQA Guidelines:
Projects consistent with a community plan, general plan or zoning |
| Historic Status: | Not a Potentially Designated Historic Property, Survey Rating X |
| Service Delivery District: | IV |
| City Council District: | 5 |
| Status: | Pending |
| Action to be Taken: | Action to be Taken based on Staff Report |
| Finality of Decision: | Appealable to City Council |



For Further Information: Contact case planner Leigh McCullen at (510) 238-4977 or by email at lmccullen@oaklandnet.com

3. **Location:** **2200 Adeline Street (APN 005-0427-003-00)**

Proposal: Major Conditional Use Permit to legalize the conversion of 16 work-live units and add 20 work-live units for a total of 36 work-live units. The units would be 52, 073 sq ft of an existing 107,880 sq. ft. commercial building.

Applicant/Contact: Francis Rush

Phone Number: (510) 763-7165

Owner: West Grand Adeline LLC

Case File Number: **CM08-258**

Planning Permits Required: Major Conditional Use Permit for a non-residential project involving 25,000 square feet or more of floor area.

General Plan: Business Mix

Zoning: CIX1, Commercial Industrial Mix-1
S-19, Health and Safety Protection Overlay Zone

Environmental Determination: State CEQA Guidelines: Categorically Exempt, Sections 15332; Infill developments
Section 15183, projects consistent with the General Plan or Zoning

Historic Status: Potential Designated Historic Property (PDHP); Secondary Importance or Superior Example, Survey Rating C3

Service Delivery District: 1

City Council District: 3

Date Filed: 9/22/08

Status: Pending

Staff Recommendation: Approve project based on findings and subject to conditions of approval

Finality of Decision: Appealable to City Council

For Further Information: Contact case planner Ulla-Britt Jonsson at (510) 238-3322 or ujonsson@oaklandnet.com

4. **Location:** **5248 Telegraph Avenue / building: 5227 Claremont Avenue (APN: 014 -1225-015-01)**

Proposal: To establish a bar in a former restaurant/bar (“Kingfish Pub – Café”); closing time Friday and Saturday evenings would be 2:00am.

Applicant: Emil Peinert/Baitshop Dives

Owners: Project Kingfish LLC

Contact Person/ Emil Peinert

Phone Number: (774) 239-1464

Case File Numbers: **CMV09-086**



Planning Permits Required:	Major Conditional Use Permit with special findings to allow Alcoholic Beverage Sales Commercial Activity with General Food Sales Commercial Activity (OMC Sec. 17.44.040(C), 17.102.212.210(A), 17.134.020(A)(2)(A)(viii)); Major Variances to allow an Alcoholic Beverage Sales Commercial Activity within 1,000-feet of another alcohol establishment and other civic uses (OMC Sec. 17.102.210(B)(1) & (4)(a)) <i>*Findings of Public Convenience or Necessity are required for location in an over-concentrated area (OMC Sec. 17.102.210(B)(3) & (4))</i>
General Plan:	Community Commercial /Mixed Housing Type Residential (building frontage)
Zoning:	C-28 Commercial Shopping District Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; Existing Facilities (operation); Section 15183 of the State CEQA Guidelines; Projects consistent with a general plan, community plan, or zoning
Historic Status:	Potential Designated Historic Property (PDHP); Survey rating: C3 (secondary importance or superior)
Service Delivery District:	II – North Oakland / North Hills
City Council District:	1 – President Brunner
For further information:	Contact case planner Aubrey Rose at (510) 238-2071 or arose@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 and June 3, 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: July 1, 2009