



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

**October 17, 2007**  
**Regular Meeting**

**REVISED 10-04-07\***

**MEAL GATHERING**

**5:30 P.M.**

**Hearing Room 4, City Hall, 1 Frank H. Ogawa Plaza, Oakland.** Open to the public. (Members of the public may bring their own meal if desired. Consumption of food is not required to attend.)

**BUSINESS MEETING**

**6:00 P.M.**

**Hearing Room One, 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.

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***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.



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 H. Ogawa Plaza, Oakland, California 94612. **Reports are available at the Strategic Planning Division on the 3<sup>rd</sup> floor (Suite 3315), which closes at 5:00 p.m.**

**New web-site staff report  
download instructions**

Staff reports are also available on-line, by 3:00 p.m. the Friday before the meeting, at [www.oaklandnet.com](http://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.

***ROLL CALL***

***WELCOME BY THE CHAIR***

***COMMISSION BUSINESS***

**Agenda Discussion**



**Director's Report**

**A.** Report on the Development of a Land Use Strategy for the Gateway Development Area of the Former Oakland Army Base and Request for Direction on the Development of Ancillary Maritime Service Uses in the East Gateway.

**B.** Status Report on Recommendations of Blue Ribbon Commission on Affordable Housing and Condominium Conversions.

**C.** Informational Report on Oakland Retail Strategy

**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.

<b>1.</b>	<b>Location:</b>	<b>230 Bay Pl.(APN#010-0795-027-01)</b>
	<b>Proposal:</b>	Major Conditional Use Permit for the addition of an on premises sale of alcoholic beverage sales commercial activity (wine tasting) at a new full service grocery store.
	<b>Applicant:</b>	Dwane Jensen
<b>Contact Person/Phone Number:</b>		Dwane Jensen
	<b>Owner:</b>	Bond CC Oakland LLC
	<b>Case File Number:</b>	<b>CM07-345</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permit
	<b>General Plan:</b>	Urban Residential and Neighborhood Center Mixed Use
	<b>Zoning:</b>	C-30/S-12
	<b>Environmental Determination:</b>	Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
	<b>Historic Status:</b>	Designated City of Oakland Landmark, Cox Cadillac Showroom
	<b>Service Delivery District:</b>	3
	<b>City Council District:</b>	3
	<b>Status:</b>	<b>Pending</b>
	<b>Action to be Taken:</b>	Approve application with attached conditions
	<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
	<b>For Further Information:</b>	Contact case planner <b>Jacob Graef</b> at <b>(510) 777-8672</b> or by email at <b>jgraef@oaklandnet.com</b> .



2. **Location:** 1630 High St. (APN # 035-2357-019-01)  
**Proposal:** Major Conditional Use Permit for the addition of off premises sale alcoholic beverage sales commercial activity at a new full service grocery store.  
**Applicant:** Mi Pueblo Inc.  
**Contact Person/Phone Number:** Mi Pueblo Inc.  
**Owner:** Nocal AI, Inc  
**Case File Number:** CM07-406  
**Planning Permits Required:** Major Conditional Use Permit  
**General Plan:** Community Commercial  
**Zoning:** C-30  
**Environmental Determination:** Exempt, CEQA Guidelines (General Rule Exemption) Section 15301  
**Historic Status:** Non-Historic Property  
**Service Delivery District:** 4  
**City Council District:** 5  
**Status:** Approve application with attached conditions.  
**Action to be Taken:** Pending  
**Finality of Decision:** Appealable to City Council  
**For Further Information:** Contact case planner **Jacob Graef** at (510) 777-8672 or by email at [jgraef@oaklandnet.com](mailto:jgraef@oaklandnet.com).

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| <b>3.</b> | <b>Location:</b>                    | <b>Citywide</b>  |
|           | <b>Proposal:</b>                    | A Public hearing on (1) the Final Environmental Impact Report (EIR) and (2) the proposed General Plan Amendment for the update to the City of Oakland's Bicycle Master Plan  |
|           | <b>Applicant:</b>                   | City of Oakland  |
|           | <b>Contact Person/Phone Number:</b> | Jason Patton, (510) 238-7049   |
|           | <b>Owner:</b>                       | N/A  |
|           | <b>Case File Number:</b>            | <b>ER05-104, GP05-450</b>  |
|           | <b>Planning Permits Required:</b>   | General Plan Amendment   |
|           | <b>General Plan:</b>                | Citywide (varies)  |
|           | <b>Zoning:</b>                      | Citywide (varies)  |
|           | <b>Environmental Determination:</b> | The Draft EIR for this project (City of Oakland, March 2007) conservatively addressed transportation/circulation and air quality and did not identify any significant unavoidable impacts. The Final EIR (published on October 3, 2007) responds to comments by the public on the Draft EIR and identifies changes to the Draft EIR that address those comments. |
|           | <b>Historic Status:</b>             | None   |
|           | <b>Service Delivery District:</b>   | Citywide (all)   |
|           | <b>City Council District:</b>       | Citywide (all)   |

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**Status:** This project came before the Planning Commission on September 21, 2005 for a scoping session in preparing the Draft EIR and on April 18, 2007 for a public hearing on (1) the Draft EIR and (2) the proposed General Plan Amendment for the update to the City of Oakland's Bicycle Master Plan.

**Action to be Taken:** Certification of the Final EIR and recommendation to City Council on the adoption of the General Plan Amendment.

**Finality of Decision:** Receive public and Commission comments on the Final Environmental Impact Report; Certify the FEIR; and Recommend to City Council adoption of the Bicycle Master Plan as a Part of the Land Use and Transportation Element of the City's General Plan

**For Further Information:** Contact case planner **Kerry Jo Ricketts-Ferris**, at (510) 238-3944 or by email: [kjferis@oaklandnet.com](mailto:kjferis@oaklandnet.com).

**4. Location:** **10031 (& "10059") MacArthur Blvd. (APN: 047-5574-011-06) (8/16/07)**

**Proposal:** To allow the major rehabilitation of a former motel into nineteen (19) condominium dwelling units.

*The 2-building motel (Bel Air Motel) was a deemed approved motel that was declared a public nuisance and closed (#200318604); the facility obtained approval (vested but not exercised) for residential conversion to 17 dwelling unit (CMD01-544 April 2, 2002); the property currently contains 18 uninhabitable units and some repairs have occurred.*

**Applicant-Contact Person/** Terry J. Murphy

**Phone Number:** (925)285-1510

**Owner:** Kamal Pal

**Case File Number:** **TPM 9391 / CMDV07-370**

**Planning Permits Required:** Major Variance to allow 19 dwelling units where 17 units are vested and where 15 units are otherwise allowed by Zoning (OMC Sec. 17.24.110, 17.48.020(A)(1));

Minor Variances (5) for relief from requirements for front, left, right, and rear setbacks & open space (OMC Sec. 17.24.140, 17.24.160);

Regular Design Review to create new dwelling units (OMC Sec. 17.24.040, 17.136.040(A)(4));

Tentative Parcel Map to subdivide a parcel for condominium purposes (OMC Sec. 16.08)

**General Plan:** Urban Residential

**Zoning:** R-50 Medium Density Residential Zone

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**Environmental Determination:** Exempt, Section 15301(d) of the State CEQA Guidelines:  
Rehabilitation of deteriorated facilities;  
Exempt, Section 15301(k) of the State CEQA Guidelines:  
Creation of condominiums within an existing structure;  
Exempt, 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: \*3

**Service Delivery District:** 6 – Elmhurst/South Hills

**City Council District:** 7 – Reid

**For further information:** Contact case planner **Aubrey Rose** at **(510) 238-2071** or  
**[arose@oaklandnet.com](mailto:arose@oaklandnet.com)**

**5. Location:** **Bancroft Avenue and 78<sup>th</sup> Avenue (APN's: 040-3387-003-01, 040-3387-004-02, 040-3387-005-02, 040-3387-006-02, 040-3387-007-02, 040-3387-027-00)**

**Proposal:** To construct 7 new two story single family dwellings on 7 new separate lots as a Mini-Lot Development

**Applicant:** Moshe Dinar

**Contact Person/Phone Number:** (510) 759-2133

**Owner:** Noel Yi

**Case File Number:** **CDV07-227 , TTM7909, and CP07-092**

**Planning Permits Required:** Regular Design Review for 7 new two story single family dwellings  
Minor Conditional Use Permit for a mini-lot development  
Minor Variance to allow 0'-0" front yard setbacks for all proposed dwellings where 10'-0" front yard setbacks are required  
Tentative Tract Map for the creation of 7 lots where 6 lots currently exist  
Creek Protection Permit; Category 3

**General Plan:** Mixed Housing Type Residential

**Zoning:** R-70 High Density Residential Zone

**Environmental Determination:** Exempt, Section 15332 and 15183 of the State CEQA Guidelines, New construction of structures, as an in-fill development project and projects consistent with a community plan, general plan or zoning.

**Historic Status:** No Historic Record; vacant lots

**Service Delivery District:** 5

**City Council District:** 6

**Status:** Pending

**Action to be Taken:** Decision of Application

**Finality of Decision:** *Appealable to City Council*

**For Further Information:** Contact case planner Michael Bradley at **(510) 238-6935** or by email:  
**[mbradley@oaklandnet.com](mailto:mbradley@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:** September 19, 2007 and October 3, 2007

**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:** November 7, 2007

**\*Revised 10-04-07 to indicate Director's report C (Retail Strategy) and Approval of Minutes of September 19, 2007, both continued from the October 3, 2007 Agenda.**