



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

**November 28, 2007**  
**Special Meeting**

**Revised 11-19-07\* (See end of Agenda)**

**MEAL GATHERING**      **5:30 P.M.**

**Hearing Room 4, City Hall, 1 Frank 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.

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.

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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.



**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**

**Committee Reports**

**Commission Matters**

Presentation and Discussion – [Mayor’s Land Use Task Force](#)



## **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:** 3411 Mac Arthur Boulevard (APN# 028-0956-001)  
**Proposal:** Major Conditional Use Permit for the addition distilled spirits sales to an existing beer and wine bar.  
**Applicant:** Robert Huff  
**Contact Person/Phone Number:** Robert Huff 510-292-5152  
**Owner:** Guang Hui hen  
**Case File Number:** **CM 07-362**  
**Planning Permits Required:** Major Conditional Use Permit  
**General Plan:** Neighborhood Center  
**Zoning:** C-31  
**Environmental Determination:** Exempt, CEQA Guidelines (General Rule Exemption) Section 15301  
**Historic Status:** Non Historic Property (NHP)  
**Service Delivery District:** 3  
**City Council District:** 4  
**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**.

2. **Location:** 222 19<sup>th</sup> Street (APN: 008-0634-003-00)  
**Proposal:** Scoping Session to identify the issues that need to be addressed and receive comments for a Draft Environmental Impact Report (DEIR) regarding the proposal to demolish the Schilling Gardens and construct a 42-story residential tower that would provide 370 units, a 993 sq. ft. ground floor café and five levels of below grade parking. The proposed project would also include the relocation of several trees, the concrete arbor features, the fountain, and benches from the existing garden.  
**Applicant:** Ian Birchall  
**Contact Person/Phone Number:** Ian Birchall (415) 512-9660  
**Owner:** David and Kari O'Keefe  
**Case File Number:** **ER06-0009; CMDV06-142**  
**General Plan:** Central Business District  
**Zoning:** R-90 Downtown Apartment Residential Zone  
S-4 Design Review Combining Zone  
S-17 Downtown Residential Open Space Combining Zone  
**Environmental Determination:** Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. A Notice of Preparation (NOP) to prepare the EIR was published on November 9, 2007. The comment period for the NOP ends on December 10, 2007.
- (continued on page 5)



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**Historic Status:** The proposed project would be constructed on the site of the Schilling (August) Gardens, located behind the 244 Lakeside Apartment Building and adjacent to Snow Park. This garden is a Designated Historic Property (DHP) and rated an A1+, of the “highest importance” by the Oakland Cultural Heritage Survey (OCHS). The building is also an anchor and primary contributor to the 244 Lakeside Drive Building Group, an Area of Primary Importance (API). This building group includes the Garden, the Boathouse, 244 Lakeside Apartments, and the Regillus Apartments. All of these properties are located on the Preservation Study List.

**Service Delivery District:** Downtown Metro

**City Council District:** 3

**Action to be Taken:** Receive public and Commission comments about what information and analysis should be included in the EIR.

**For Further Information:** Contact case planner **Heather Klein** at **510 238-3659** or by e-mail at [hklein@oaklandnet.com](mailto:hklein@oaklandnet.com).

**3. Location:** Lots facing and near Broadway between 23<sup>rd</sup> Street and Hawthorne Avenue.

**Proposal:** An interim ordinance amending the Zoning Regulations for three years or until the City Council adopts permanent regulations to 1) create the S-5 Broadway Retail Frontage Interim Combining Zone Regulations (S-5 Zone) and 2) amend the Zoning Maps to include the S-5 Zone on and near Broadway from 23<sup>rd</sup> Street to Hawthorne Avenue.

**Applicant:** Planning Commission

**Contact Person/Phone Number:** Neil Gray/(510)238-3878

**Owners:** Various

**Case File Number:** **ZT07-432**

**General Plan:** Community Commercial

**Zoning:** C-40 Community Thoroughfare Commercial Zone

**Environmental Determination:** The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998) and the Broadway/MacArthur Redevelopment Plan Environmental Impact Report, adopted 2000. The proposal is also exempt under CEQA Guidelines section 15061(b)(3): no possibility that the activity in question may have a significant effect on the environment.

**Service Delivery District:** 2

**City Council District:** 2

**Action to be Taken:** Decide whether to recommend to the City Council adoption of the proposal.

**For Further Information:** Contact case planner **Neil Gray** at **(510)238-3878** or by e-mail at [ngray@oaklandnet.com](mailto:ngray@oaklandnet.com)



<b>4.</b>	<b>Location:</b>	Citywide – Areas with General Plan Land Use Designation of Business Mix or General Industry
	<b>Proposal:</b>	Discussion and recommendation to City Council on industrial land use policy, discussion and recommendations on industrial sub-areas, including recommendations forwarded from the Zoning Update Committee, and discussion and recommendations on proposed criteria for evaluating requests to convert industrial lands to residential uses.
	<b>Applicant:</b>	City Council
	<b>Contact Person/Phone Number:</b>	Eric Angstadt/(510)238-6190
	<b>Owners:</b>	Various
	<b>Case File Number:</b>	
	<b>General Plan:</b>	Business Mix and General Industry
	<b>Zoning:</b>	Various
	<b>Environmental Determination:</b>	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998).
	<b>Service Delivery District:</b>	Various
	<b>City Council District:</b>	Various
	<b>Action to be Taken:</b>	Recommendations forwarded to the City Council.
	<b>For Further Information:</b>	Contact case planner <b>Eric Angstadt</b> at <b>(510)238-6190</b> or by e-mail at eangstadt@oaklandnet.com

**PLEASE NOTE: ITEM #4, ABOVE, HAS BEEN REMOVED FROM THIS AGENDA.**

### ***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: November 7, 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:*** December 5, 2007

**\*Revised 11-19-07 to indicate Item #4 (Industrial Land Use Policy) as being removed from the agenda.**