



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

August 6, 2008
Regular Meeting

Revised 7-31-08* (See End of Agenda)

MEAL GATHERING **5:30P.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.

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.



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.**

**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 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

[Metropolitan Transportation\(MTC\)/Association of Bay Area Governments \(ABAG\) Planning Grant](#)

Committee Reports



Commission Matters

Committee Appointments

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.



PLEASE NOTE: ITEM #1, BELOW, IS REMOVED FROM THIS AGENDA.

~~1.~~ **Location:** ~~6161 Coliseum Way (APN: 041-3906-011-00) (12/31/07)~~
 Proposal: To establish a fast food sales service (mobile Taco Truck) at a paved corner of an industrial lot with an existing structure.
 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 foods activity.
 General Plan: Business Mix
 Zoning: M-40, Heavy Industrial Zone
Environmental Determination: 15301, Existing Structures, and 15183, projects consistent with a community plan, general plan, or zoning
 Historic Status: Not a Historic Property
Service Delivery District: 5
 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:** 912 61st Street (APN: 016-1436-003-01)
 Proposal: To convert an existing one-family residential dwelling into a Residential Care home for the elderly, serving up to 12 ambulatory and non-ambulatory residents. Includes a 1,466 sq.ft. two-story addition plus remodels to the existing one-story 1,582 sq. ft. structure.
 Applicant (Contact)/ Ramon Aoanan
 Phone Number: (510) 582-8776
 Owner: Ramon Aoanan
 Case File Number: **CMD07-378**
Planning Permits Required: Major Conditional Use Permit to allow a Residential Care Activity per (OMC 17.134.020(A)(2)(a)(i))
 General Plan: Mixed Housing Type Residential
 Zoning: R-50 Medium-Density Residential Zone
Environmental Determination: Exempt, Section 15301(a), (d) of the State CEQA Guidelines: Existing Facilities (Interior or exterior alterations), 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

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Service Delivery District:
City Council District: 1 – Brunner
Date Filed: August 27, 2007 (Note: Subsequent revisions filed through June, 2008).
Status: Pending
Action to be Taken: Decision based on staff report
Finality of Decision: Appealable to City Council
For Further Information: Contact case planner Ann Clevenger at (510) 238-6980 or aclevenger@oaklandnet.com

PLEASE NOTE: ITEM #3, BELOW, HAS BEEN REMOVED FROM THIS AGENDA (THE PROJECT HAS BEEN WITHDRAWN BY THE APPLICANT)

3. Location: 671 4th Street (APN: 001-0121-031-01)

Proposal: Major Conditional Use Permit for new nightclub and restaurant in the Jack London Square area

Owner/Applicant: Kimball Allen (owner), Sean Laal (applicant)

Case: CM08-019

Planning Permits Required: Major Conditional Use Permit to allow Group Assembly in the M-30 Zoning District, with nightclub, restaurant, and alcoholic beverage service

General Plan: E-LI1 Estuary Light Industry (Port Area)

Zoning: M-30 General Industrial Zoning District

Environmental Determination: Exempt, Section 15301, Existing Facilities and 15332, Infill Development.
 Additional reference: 15183, Projects consistent with a community plan, general plan or zoning of State CEQA Guidelines

Historic Status: Not PDHP Potentially Designated Historic Property

Service Delivery District: Metro

City Council District: 3

Date Filed: January 31, 2008

Status: Complete

Support/Opposed: Applicant supports. Over 50 reported opponents

Action to be Taken: Conditional Use Permit approval

Staff Recommendation: Approve with Conditions

Finality of Decision: Appealable to City Council

For Further Information: Contact case planner, David Valeska at (510) 238-2075.



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.

4.	Location:	10319 International Blvd.(APN# 045-5187-022-02)
	Proposal:	Appeal of a zoning administrator decision to lapse the legal non-conforming alcoholic beverage commercial sales activity.
	Applicant:	Charanjeet S. Kapour
	Contact Person/Phone Number:	Charanjeet S. Kapour (408) 319-7111
	Owner:	Yahia K.Nagi
	Case File Number:	A08-026
	Planning Permits Required:	Major Conditional Use Permit
	General Plan:	Community Commercial
	Zoning:	C-40
	Environmental Determination:	Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
	Historic Status:	Non Historic Property (NHP)
	Service Delivery District:	6
	City Council District:	7
	Status:	Pending
	Action to be Taken:	Deny the appeal
	Finality of Decision:	<i>This decision is final</i>
	For Further Information:	Contact case planner Jacob Graef at (510) 777-8672 or by email at jgraef@oaklandnet.com.

COMMISSION BUSINESS

Approval of Minutes: July 2, 2008; July 16, 2008

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: September 3, 2008

*Revised 7-24-08 to add a Director's Report and to indicate Item #3 (671 4th Street) as being removed from this agenda, and revised 7-31-08 to indicate Item #1 (6161 Coliseum Way) as being removed from this agenda.