



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

**May 7, 2008**  
**Regular Meeting**

**REVISED 5-1-08\* (SEE END OF AGENDA)**

**MEAL GATHERING 5:30 P.M.**

**Hearing Room 3, 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**

**Upcoming Planning Commission Meetings**



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.

<b>1.</b>	<p><b>Location:</b> 1905 Foothill Blvd. (APN: 020-0163-001-00)</p> <p><b>Proposal:</b> To construct a wireless telecommunications Macro Facility at a 3-story apartment building; the facility would consist of 6 antennas within a concealed rooftop enclosure and 3 equipment cabinets within a concealed ground-level equipment enclosure.</p> <p><b>Applicant/Phone Number:</b> Kelly Pepper/Town Consulting (for T-Mobile) (415)518-8188</p> <p><b>Owners:</b> Donald &amp; Andrea Willett</p> <p><b>Case File Number:</b> <b>CMD 07-120</b></p> <p><b>Planning Permits Required:</b> Major Conditional Use Permit to allow a wireless telecommunications facility within a Residential Zone (OMC Sec. 17.20.060, 17.134.020(A)(3)(i)); Regular Design Review (OMC Sec. 17.20.020, 17.128.070, 17.136.040(A)(1)-(2))</p> <p><b>General Plan:</b> Mixed Housing Type Residential</p> <p><b>Zoning:</b> R-36 Small Lot Residential Zone</p> <p><b>Environmental Determination:</b> Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (Additions to existing structures) Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning</p> <p><b>Historic Status:</b> Potential Designated Historic Property (PDHP): Survey Rating: C3 (secondary importance or superior example)</p> <p><b>Service Delivery District:</b> 3 – Central/Chinatown/Lower Hills</p> <p><b>City Council District:</b> 2 – Kernighan</p> <p><b>Date Filed:</b> March 28, 2007</p> <p><b>Status:</b> Pending</p> <p><b>Action to be Taken:</b> Decision based on staff report</p> <p><b>Finality of Decision:</b> <i>Appealable to City Council</i></p> <p><b>For Further Information:</b> Contact case planner <b>Aubrey Rose</b> at (510) 238-2071 or <b>arose@oaklandnet.com</b></p>
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**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.

<p><b>2.</b></p>	<p><b>Location:</b> Citywide</p> <p><b>Proposal:</b> Consider proposed amendment to the Planning Code to incorporate standards and requirements for bicycle parking in certain types of development.</p> <p>(1) Add Chapter 17.117 “Bicycle Parking Regulations”;</p> <p>(2) Amend various other chapters to incorporate references to the proposed new Chapter 17.117.</p> <p><b>Applicant:</b> Planning Commission</p> <p><b>Case File Number:</b> <b>ZT08048</b></p> <p><b>Planning Permits Required:</b> Zoning Text Amendments.</p> <p><b>General Plan:</b> All</p> <p>(continued on page 5)</p>
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**Zoning:** All Zones

**Environmental Determination:** The proposal relies on the Final Environmental Impact Report for the Bicycle Master Plan that was certified on December 4, 2007 (ER05-0014).

**Service Delivery District:** All

**City Council district:** All

**Date Filed:** March 21, 2008.

**Status:** Heard by Zoning Update Committee on 4/16/08.

**Staff Recommendation:** Forward recommendation to City Council.

**For further information:** Contact **Christina Ferracane**, Strategic Planning at (510) 238-3903 or by email: cferracane@oaklandnet.com or **Jason Patton**, Transportation Services Division at (510) 238-7049 or by email: jpatton@oaklandnet.com.

**3. Location:** **Citywide**

**Proposal:** Consider proposed amendment to the zoning maps, for a period of two years, adding the S-4 Design Review Combining Zone to C-10, C-30, C-35 and C-40 districts which are currently designated in the General Plan as Neighborhood Center Commercial, Community Commercial and Urban Residential. New and renovated commercial and mixed-use property would be reviewed under the design review procedure in Chapter 17.136 (O.M.C.), on portions of International, Foothill and MacArthur Boulevards, and portions of San Pablo Avenue and Broadway, among other streets.

**Applicant:** Planning Commission

**Contact Person/Phone Number:** Devan Reiff, AICP, Planner II/ 510-238-3550

**Case File Number:** **ZT 08116**

**Planning Permits Required:** Zoning Map Amendments

**General Plan:** Neighborhood Center Commercial, Community Commercial and Urban Residential

**Zoning:** C-10, C-30, C-35 and C-40

**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)

**Service Delivery District:** All

**City Council District:** All

**Status:** Heard by Zoning Update Committee on 4/16/08

**Action to be Taken:** Forward recommendation to City Council

**For Further Information:** Contact Devan Reiff of the Strategic Planning Division(510) 238-3550 or by email: dreiff@oaklandnet.com



**4.**

**Location:** 1525 7<sup>th</sup> Avenue (APN 020-0176-009-00)  
**Proposal:** To establish a Service Enriched Housing Activity, located within a former nursing home, for up to 26 ambulatory mentally disabled individuals.

**Applicant / Phone Number:** Rena Rickles / (510) 452-1600  
**Owner/Operator:** Yong Akaosuki  
**Case File Number:** CM08-041

**Planning Permits Required:** Major Conditional Use Permit to establish a Service Enriched Housing Activity

**General Plan:** Mixed Housing Type Residential  
**Zoning:** R-50 Medium Density Residential 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 F2-III  
**Service Delivery District:** III  
**City Council District:** 2  
**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 lmccullen@oaklandnet.com

**PLEASE NOTE: ITEM # 5, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.**

**5.**

**Location:** 671 4<sup>th</sup> Street  
**Assessors Parcel Numbers:** (APN 001-0121-031-01)

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

**Case File Number:** CM08-019  
**Owner, Applicant:** Allen Kimball (owner), Sean Laal (applicant)

**Planning Permits Required:** Major Conditional Use Permit (CUP) to allow Group Assembly in the M-30 Zoning District, with nightclub/restaurant and alcohol beverage service

**General Plan:** E-LI1 Estuary Light Industrial (Port Area)  
**Zoning:** M-30 General Industrial Zoning District

**Environmental Determination:** Exempt, Section 15301 (Existing facilities) and Section 15304 (Minor alterations to land) of State CEQA Guidelines; and Section 15183, Projects consistent with a community plan, general plan or zoning

**Historic Status:** ~~Not a Potentially Designated Historic Building (PDHP)~~  
**Service Delivery District:** Metro

**City Council District:** 3  
**Date Filed:** January 31, 2008  
**Support/Opposition:** ~~Support: Owner and architect Opposition: None~~  
**Action to be Taken:** Decision on Major Conditional Use Permit application.

(continued on page 7)



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**Staff Recommendation:** Approve  
**Finality of Decision:** Appealable to City Council  
**For Further Information:** Contact case planner, **David Valeska** at (510) 238-2075 or [dvalueska@oaklandnet.com](mailto:dvalueska@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.

**PLEASE NOTE: ITEM #6, BELOW, HAS BEEN REMOVED FROM THIS AGENDA.**

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



**COMMISSION BUSINESS**

**Approval of Minutes:** March 5, 2008; April 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:** May 21, 2008

**\* Revised 5-1-08 to indicate Item #5 (671 4<sup>th</sup> Street) and Item #6 (10319 International Blvd.) as being removed from this agenda.**