



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

**October 15, 2008**  
**Regular Meeting**

**REVISED 10-10-08 (See End of Agenda)**

**MEAL GATHERING 5:00P.M.**

**Saigon Restaurant 326 Frank Ogawa Plaza, Oakland.**

Open to the public. (Members of the public may purchase their own meal 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.

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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.

Applicants or members of the public that plan power point presentations: Please contact Robynn Hughes at [rhughes@oaklandnet.com](mailto:rhughes@oaklandnet.com) or 510-238-2950 or Gwen Brown at [gbrown@oaklandnet.com](mailto: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

~~Housing Foreclosure Report~~ (this report is being rescheduled to the November 5, 2008 Agenda)

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.

<b>1.</b>	<p><b>Location:</b> 2501 Chestnut Street  <b>APN:</b> 005-0436-002-00 through 005-0436-007-00</p> <p><b>Proposal:</b> Extension of the entitlements for a previously approved Interim Major Conditional Use Permit (Case File CMDV04-249) to allow construction of 50 joint living and working quarters.</p> <p><b>Applicant /Phone Number:</b> Kristy Wang / (415)989-1111</p> <p><b>Owner:</b> BRIDGE Housing Ventures Inc.</p> <p><b>Case File Number:</b> <b>CMDV04-249</b></p> <p><b>Planning Permits Required:</b> Per Condition of Approval #2 for Case File CMDV04-249, the applicant is requesting a two year extension from the City Planning Commission.</p> <p><i>Staff granted a one year extension on September 29, 2006 and November 13, 2007.</i></p> <p><b>General Plan:</b> Business Mix</p> <p><b>Zoning:</b> CIX-1 Commercial Industrial Mix-1  S-19 Health and Safety Protection Overlay Zone</p> <p><i>Project approved under previous Zoning Codes:  M-20 Light Industrial Zone /  S-16 Industrial-Residential Transition Combining Zone</i></p> <p><b>Environmental Determination:</b> CEQA Guidelines Section 15183: Projects Consistent with Community Plan, General Plan, and Zoning</p> <p><b>Historic Status:</b> The majority of the project site is vacant. The existing buildings are not Potentially Designated Historic Properties (PDHP).</p>
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**Service Delivery District:** I-West Oakland  
**City Council District:** 3  
**Action to be Taken:** Decision based on staff report  
**Finality of Decision:** Appealable to City Council within 10 days  
**For Further Information:** Contact case planner **Heather Klein** at **510 238-3659** or by e-mail at **hklein@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.

**2.A**                      **Location:**            **889 West Grand Avenue (See map on reverse)**  
**Assessors Parcel Numbers:**    **(APN 003-0029-001-00) (12.27.07)**



**Proposal:** To demolish an existing gas station with a convenience market, and build a new gas station, a 2,900 sq ft convenience market with beer and wine sales, and a new car wash facility. Remove 6 trees and protect 5 trees.

**Applicant:** Pete Tobin (925) 768-0306

**Owner:** Atlantic Richfield Company

**Planning Permits Required:** Major Conditional Use Permit to allow alcohol beverage sales (beer and wine only) at a rebuilt gas station with convenience store; Minor Conditional Use Permit to establish a drive-through facility (car wash); Regular Design Review for a new building facility and signage in an S-4 zone. Tree permit for removal of 6 trees and protection of 5 trees.

**General Plan:** Community Commercial

**Zoning:** C-30, District Thoroughfare Commercial Zone  
S-4, Design Review Combining Zone

**Environmental Determination:** Exempt, Section 15302 of the State CEQA Guidelines; replacement or reconstruction of existing structures;  
Section 15303 of the State CEQA Guidelines; new construction of small structures;  
Section 15183 Projects consistent with the General Plan or Zoning.

**Historic Status:** Not a Potentially Designated Historic Property (PDHP);  
Survey rating: \*3

**Service Delivery District:** 1

**City Council District:** 3

**Status:** This item has been continued at the September 17 and October 1 meetings

**Action to be Taken:** Decision on application based on Staff Report

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

**For Further Information:** Contact case planner **Ulla-Britt Jonsson** at (510) 238-3322 or by email: [ujonsson@oaklandnet.com](mailto:ujonsson@oaklandnet.com).

**2. Location:** **1913 San Pablo Ave (APN # 003-0041-005-00)**

**Proposal:** Revision to a Major Conditional Use Permit for off sale alcoholic beverage sales commercial activity at an existing convenience store.

**Applicant:** Francois Alexander

**Contact Person/Phone Number:** Francois Alexander 510-587-7399

**Owner:** Mash Petroleum Inc

**Case File Number:** **REV 08-0012**

**Planning Permits Required:** Major Conditional Use Permit

**General Plan:** Community Commercial

**Zoning:** C-51/S-17

**Environmental Determination:** Exempt, CEQA Guidelines (General Rule Exemption) Section 15301

**Historic Status:** NHP

**Service Delivery District:** Metro

**City Council District:** 3

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**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).

**3. Location:** 1162-1174 73rd Avenue  
(APNs: 041 -4137-017-02, 041 -4137-018-02)  
**Proposal:** To merge 2 lots and subdivide into a 6-unit Mini-lot development (12,600 square-feet total).  
  
*A vacant non-residential building at #1174 would be demolished and 6 single-family homes with 1 Shared Access Facility would be created; case no. CDV08254 for Minor Conditional Use Permit (Mini-lot development), Regular Design Review (6 new dwelling units), Minor Variance (front setback), under public noticing period through 10/6/08, and case no. DET08067 for Zoning Manager’s Determination (Conformity Guidelines density calculation) under concurrent Administrative review.*  
  
**Contact Person:** Maria Banico /  
**Phone Number:** (650) 302-5085  
**Owners:** MT Management Corp. /  
Infinity Investment and Consulting Group, LLC  
**Case File Number:** [TMM 6864](#)  
**Continued from page 5**  
**Planning Permits Required:** Tentative Tract Map to merge 2 lots and subdivide into 6 lots (OMC Sec. 16.02, 16.24)  
**General Plan:** Detached Unit Residential  
**Zoning:** R-50 Medium Density Residential Zone  
**Environmental Determination:** Exempt, Section 15332 of the State CEQA Guidelines:  
In-Fill Development Projects;  
Section 15183 of the State CEQA Guidelines:  
Projects consistent with a community plan, general plan or zoning  
**Historic Status:** 1162 73rd Av.: Vacant lot  
1174 73rd Av.: Not a Potential Designated Historic Property;  
Survey Rating: \*3  
**Service Delivery District:** V- Central City East  
**City Council District:** 7 – Vice Mayor Reid  
**Date Filed:** September 22, 2008  
**Action to be Taken:** Decision based on staff report  
**Finality of Decision:** Appealable to City Council  
**For Further Information:** Contact case planner **Aubrey Rose**, Planner II at (510) 238-2071 or [arose@oaklandnet.com](mailto:arose@oaklandnet.com)



<b>4.</b>	<b>Location:</b>	<b>Clarewood Drive (APN: 048B-7152-011-00)</b>
	<b>Proposal:</b>	Subdivide an existing 47,055 square foot parcel into eight new parcels to be served off of a new private access easement.
	<b>Applicant:</b>	Milani & Associates
	<b>Contact Person/Phone Number:</b>	(925) 674-9082
	<b>Owner:</b>	Mark Becker
	<b>Case File Number:</b>	<b>TTM-7891 &amp; CU08-156</b>
	<b>Planning Permits Required:</b>	Tentative Tract Map for a new subdivision and a Conditional Use permit for a Private Access Easement (including a subdivision variance to waive the limitation on number of lots served by the PAE – 4 allowed, 8 proposed).
	<b>General Plan:</b>	Detached Unit Residential
	<b>Zoning:</b>	R-30, One Family Residential Zone
	<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects; and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.
	<b>Historic Status:</b>	Vacant Lot
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	1
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision on application based on Staff Report
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Peterson Z. Vollmann</b> at (510) 238-6167 or by email: <a href="mailto:pvollman@oaklandnet.com">pvollman@oaklandnet.com</a> .

**PLEASE NOTE: ITEMS #5 AND #6, BELOW HAVE BEEN REMOVED FROM THIS AGENDA**

<b>5.</b>	<b>Location:</b>	<b>Citywide</b>
	<b>Proposal:</b>	<del>Correction of Long-standing Errors of the General Plan Land Use Diagram to Conform to What Was Previously Adopted.</del>
	<b>Applicant:</b>	Planning Commission
	<b>Case File Number:</b>	GP08259
	<b>Planning Permits Required:</b>	N/A
	<b>General Plan:</b>	<del>Institutional, Urban Open Space, Resource Conservation Area, Neighborhood Center Mixed Use, Community Commercial, Urban Residential, Mixed Housing Type Residential, Detached Residential, Hillside Residential, General Industrial, Business Mix</del>
	<b>Zoning:</b>	<del>C-20/S-4, C-31, R-1, R-10, R-10/S-10, R-20/S-10, R-30, R-30/S-10/S-11, R-35, R-40, R-50, R-50/S-4, R-60/S-4, M-30, OS(RCA), OS(RCA)/S-11, OS(RCA)/S-10/S-11 and S-3</del>
	<b>Environmental Determination:</b>	<del>Relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (ER97-0018).; as a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines.</del>

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<b>Service Delivery District:</b>	1, 2, 4, 5 and 6
<b>City Council district</b>	1, 3, 4, 6 and 7
<b>Date Filed:</b>	September 23, 2008
<b>Status</b>	N/A
<b>Staff Recommendation</b>	Forward recommendation to City Council.
<b>For further information:</b>	Contact <b>Christina Ferracane</b> , Strategic Planning at (510) 238-3903 or by email: cferracane@oaklandnet.com

<b>6.</b>	<b>Location:</b>	<del>Areas in the City in Commercial Industrial Mix 1 (CIX-1), Commercial Industrial Mix 2 (CIX-2) and General Industrial (IG)</del>
	<b>Proposal:</b>	<ol style="list-style-type: none"> <li>1) Amend Chapter 17.73 "CIX-1, CIX-2, IG And IO Industrial Zones" to include proposed regulations concerning Primary Recycling Centers in CIX-1, CIX-2 and IG zones;</li> <li>2) Amend Chapter 17.10 "Use Classifications" to delete "Intermediate Processing Facility" as a land use activity type from O.M.C. 17.10.586 "Recycling and Waste Related Industrial Activities"</li> </ol>
	<b>Applicant:</b>	City Planning Commission
	<b>Case File Number:</b>	<b>ZT07398</b>
	<b>Planning Permits Required:</b>	Zoning Text Amendments
	<b>General Plan:</b>	Business Mix, General Transportation/Industrial
	<b>Zoning:</b>	<del>Areas in the City in Commercial Industrial Mix 1 (CIX-1), Commercial Industrial Mix 2 (CIX-2) and General Industrial (IG)</del>
	<b>Environmental Determination:</b>	<del>This proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998);; the EIRs for the West Oakland, Central City East, Coliseum and Oakland Army Base Redevelopment Areas; the proposal would also be exempt under CEQA Guidelines section 15061(b)(3): no possibility that the activity in question may have a significant effect on the environment; and 15183: consistent with adopted General Plan.</del>
	<b>Service Delivery District:</b>	1, 3, 4, 5 and 6
	<b>City Council District:</b>	2, 3, 5 6 and 7
	<b>Status:</b>	Pending decision by City Council
	<b>Action to be Taken:</b>	Discussion Only — this item will be returned to the Commission on November 5, 2008 for Recommendation to Council.
	<b>For Further Information:</b>	Contact case planner <b>Alisa Shen</b> at (510) 238-2166 or by email: ashen@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, 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 3, 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:*** November 5, 2008

\*Revised 10-2-08 to indicate Item 2.A on the agenda (889 West Grand Avenue), pursuant to continuance at the October 15, 2008 Planning Commission meeting, and to remove Items #5 and #6, as well as the October 1 minutes, and revised 10-10-08 to remove the Director's Report.

**PLEASE NOTE:** The Kaiser Hospital Phase II project, heard at the September 3<sup>rd</sup> meeting and continued to October 15<sup>th</sup>, has been omitted from this agenda due to ongoing design modifications, and is anticipated to return on the November 19<sup>th</sup> agenda.