



*Adhi Nagraj, Chair
Emily Weinstein, Vice Chair
Tom Limon
Clark Manus
Amanda Monchamp
Jahmese Myres
Chris Pattillo*

**October 19, 2016
Regular Meeting**

*Revised October 4, 2016 – See end of agenda
*Revised October 12, 2016 – See end of agenda

MEAL GATHERING 5:00 P.M.

Max's Diner, 500 12th Street, City Center, Oakland

Open to the public. (Members of the public may purchase their own meals if desired. Consumption of food is not required to attend.)

BUSINESS MEETING 6:00 P.M.

Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland

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 at the discretion of the Chair.

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 work with the case planner listed for each item 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.

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 Planning and Building Department 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 and Building 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.

El lugar de la a reunión es accesible en silla de ruedas. Para solicitar materiales en formatos alternativos o solicitar un intérprete de lenguaje de señas o un aparato para escuchar, por favor llame al Departamento de Planificación y Construcción al 510-238-3941 o TDD 510-238-3254 al menos tres días hábiles antes de la reunión. Por favor absténgase de usar perfumes en esta reunión para que las personas sensitivas a perfume puedan asistir.

此會議場地有適合輪椅出入設施。如需要其他格式的會議資料，或ASL手語服務，或助聽器，請於會議至少三(3)天以前聯絡規劃及建設局，以便安排服務，電話510-238-3941或TDD 510-238-3254。請勿塗搽香氛產品，參加者可能對化學成分敏感。多謝。



**New online staff report
download instructions**

Staff reports for items listed on this agenda will generally be available to any interested party by 3:00 p.m. the Friday before the meeting at the Planning and Building Department, 250 Frank H. Ogawa Plaza, Oakland, California 94612.

Staff reports are also available online, generally by 5:00 p.m. the Friday before the meeting, at www.oaklandnet.com/planning (under "Planning Commission.") 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 Planning and Building Department, 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 (located at Clay Street and 14th Street) is free. Attendees should see staff at the meeting to validate parking tokens.

Applicants or members of the public that plan to make electronic presentations (e.g., PowerPoint presentations): Please contact Jonathan Arnold at jarnold@oaklandnet.com or 510-238-6194 or Cheryl Dunaway at cdunaway@oaklandnet.com or 510-238-2912 at least 48 hours prior to the meeting.

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, twenty-five (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 may be distributed at or prior to the meeting. To ensure that material submitted at the meeting is distributed to Commissioners, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time the item is scheduled to be considered by the Commission.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

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. At the discretion of the Chair, 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 and recommendation in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

1.	Location:	1501 Harrison Street (314 15th Street)
	Assessor’s Parcel Number:	008-0625-054-00
	Proposal:	To allow sale of liquor, beer and wine at a 2-story limited service restaurant with a 1:00 AM closing time. The project includes major renovations to the commercial space and an ABC license will be required.
	Owner:	Wilson Tsai
	Applicant:	Justin Gilmore / Phone # 831-431-7455
	Case File Number:	PLN15401
	Planning Permits Required:	Major Conditional Use Permit for Alcoholic Beverage Sales Commercial Activity; Additional Findings for alcohol sales and for Public Necessity or Convenience.
	General Plan:	Central Business District
	Zoning:	CBD-C Central Business District General Commercial Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning.
	Historic Status:	Potential Designated Historic Property (PDHP); Survey Rating: C
	Service Delivery District:	Metro
	City Council District:	3
	Action to be Taken:	Decision on application based on staff report
	Staff Recommendation:	Approval subject to conditions
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email at mhackett@oaklandnet.com



2.	Location:	3260 Lakeshore Avenue
	Assessor's Parcel Number:	023-0424-024-00
	Proposal:	To serve beer & wine for on-site consumption with meals in a limited service restaurant within the hours of 7am-11pm (Proposition Chicken)
	Applicant:	Elizabeth Wells
	Contact Person/Phone Number:	Elizabeth Wells / (415)218-0197
	Owner:	Elaine and Berry Gilbert
	Case File Number:	PLN16226
	Planning Permits Required:	Major Conditional Use Permit with additional findings to allow an Alcoholic Beverage Sales Commercial Activity; Findings for Public Convenience Or Necessity (PCN) to allow new Alcoholic Beverage Sales in an over-concentrated area; Minor Conditional Use Permit for limited service café and restaurant in the CN-1 zone. Variances to allow a new Alcoholic Beverage Sales outside of the Central Business District (1) within 1,000 feet of an existing location and (2) within 1,000 feet of civic uses (parks; school; church) in an over-concentrated area
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-1 Neighborhood Center Mixed Use Commercial Zone.
	Environmental Determination:	15301 of the State CEQA Guidelines; minor alterations to an existing facility. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Potential Designated Historic Property; Survey Rating: Dc2+ (contributor, Area of Secondary Importance: Lakeshore Avenue Commercial Historic District)
	Service Delivery District:	3
	City Council District:	2
	Status:	Pending
	Action to be Taken:	Decision of Application
	Finality of Decision:	<i>Appealable to City Council within 10 days</i>
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email at mbradley@oaklandnet.com



This item has been continued to a date uncertain.

3.	Location:	2715 Adeline Street
	Assessor's Parcel Number:	005-0446-001-01; 005-0446-001-02; 005-0446-008-01
	Proposal:	To demolish existing structure and construct a new 29,400 square foot multi-tenant commercial space.
	Owner:	Madison Park Financial Corp.
	Applicant:	Madison Park Financial Corp. (510)452-2944 ext. 16
	Case Number:	PLN16-177
	Planning Permits Required:	Major Design Review for a new commercial development involving more than 25,000 square feet of non-residential floor area;
	General Plan:	Business Mix
	Zoning:	CIX-1A/1B; S-19
	Environmental Determination:	Exempt 15332; State CEQA Guidelines, Infill development; Project also relies on WOSP EIR; and Section 15183 of the CEQA Guidelines (projects consistent with a community plan, general plan, or zoning).
	Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey Rating: D3
	Service Delivery District:	1
	City Council District:	3
	Status:	Pending
	Action to be Taken:	Decision on application based on staff report
	Staff Recommendation:	Approval subject to conditions
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@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 Planning and Building Department, 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 for decision 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 for decision 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 (e.g., major variances, major conditional use permits) are usually appealable to the City Council. If any interested party seeks to challenge such decision in court, an appeal **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 Building Department, 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 of the required fee 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. However, the appeal will be limited to issues and/or evidence presented to the Planning Commission prior to the close of the Planning Commission’s public hearing on the matter.

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.

4.	Location:	Brooklyn Basin (formerly known as “Oak Street to Ninth Avenue”); specifically, Phase I, generally located south of Embarcadero, between future Main Street and 9th Avenue.
	Proposal:	Final Development Permit (FDP) for streets, landscaping and infrastructure not part of development parcels or parks in Phase 2; Master Creek Permit; Signage Master Plan; Shoreline Park Information; DA Exhibit C Modification Information.
	Applicant:	Zarsion-OHP 1, LLC (ZOHP), Patrick Van Ness (510)251-9272.
	Owner:	Zarsion-OHP 1, Port of Oakland, City of Oakland.
	Case File Number:	DA06011 (Related to)
	Planning Permits Required:	FDP, Master Creek Permit, Signage Master Plan, Compliance with CEQA.
	General Plan:	Planned Waterfront Development-4.
	Zoning:	Oak-to-Ninth District Zone (D-OTN)
	Environmental Determination:	Final EIR certified on January 20, 2009.
	Historic Status:	9th Avenue Terminal, rated “A”
	Service Delivery District:	3
	City Council District:	2 – Guillen
	Action to be Taken:	Consider FDP, Master Creek Permit and Signage Master Plan; Accept Shoreline Park and DA Exhibit C Modification information items.
	Finality of Decision:	FDP and Master Creek Permit appealable to City Council.
	For further information:	Contact case planner Catherine Payne at 510-238-6168 or by e-mail at cpayne@oaklandnet.com



5.	Location:	MacArthur Transit Village Parcels A and C1
	Assessor's Parcel Numbers:	012-1025-010-00 and 012-1025-013-00
	Proposal:	Revise Parcels A and C1 FDP to reduce ground-floor retail and allow live-work units in lieu thereof.
	Applicant:	BRIDGE Housing
	Contact Person:	Marie Debor (949) 229-7075
	Owner:	BART, MacArthur Transit Community Partners, LLC
	Case File Number:	PUD06058-PUDF08
	Planning Permits Required:	Revision to FDP and Minor Variance to reduce parking.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	S-15 Transit-Oriented Development Zone
	Environmental Determination:	An Environmental Impact Report (EIR) was certified in June 2008.
	Historic Status:	There are no Potential Designated Historic Properties located on the project site.
	Service Delivery District:	Service District 2
	City Council District:	1
	Date Filed:	September 27, 2016
	Status:	Request recommendation from Planning Commission; Final Decision by City Council at a later date.
	Action to be Taken:	Consider recommendation for FDP application and minor variance and make CEQA determination.
	Staff Recommendation:	Take public testimony; provide recommendation to City Council.
	Finality of Decision:	No decision will be made on the project at this time.
	For Further Information:	Contact the case planner Catherine Payne at (510) 238-6168 or cpayne@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 Planning and Building Department, 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 staff report and recommendation. If the Commission reverses/overturns the staff decision and no alternate findings for decisions 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 for decision 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.



COMMISSION BUSINESS

Approval of Minutes

Correspondence

City Council Actions

ADJOURNMENT By 10:30 P.M. unless a later time is agreed upon by a majority of Commissioners present.

ROBERT MERKAMP

Development Planning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: November 2, 2016

*Revised October 4, 2016, to modify historic status on Item #4.

*Revised October 12, 2016 to reflect continuance of Item #3 to a date uncertain.