



*Jim Moore, Chair  
Adhi Nagraj, Vice Chair  
Jahaziel Bonilla  
Amanda Monchamp  
Jahmese Myres  
Chris Pattillo  
Emily Weinstein*

**March 16, 2016**  
**Regular Meeting**

**\*Revised 03-08-16 (Please see end of agenda)**

**MEAL GATHERING      5:15 P.M.**

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

**Sgt. Mark Dunakin Hearing Room 1, 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 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.

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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 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 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 by 3:00 p.m. the Friday before the meeting, to any interested party, at the Planning and Building Department, 250 Frank H. Ogawa Plaza, Oakland, California 94612. Reports are also available at the Strategic Planning Division on the 3<sup>rd</sup> floor (Suite 3315), which closes at 5:00 p.m.

Staff reports are also available online, generally by 3:00 p.m. the Friday before the meeting, at [www.oaklandnet.com/planning](http://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 14<sup>th</sup> 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 Cheryl Dunaway at [cdunaway@oaklandnet.com](mailto: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.

### ITEM #.5 WAS CONTINUED FROM MARCH 2, 2016.

.5

**Location:** 6250 Vallejo Street (APN:016 146501104)

**Proposal:** Appeal of the Zoning Manager's Approval to convert the existing one-story accessory building to a new two-story, two-unit residential facility. *The appellant is appealing Conditions of Approval #23 to lower height of rear second-floor addition, and #24 to alter the north side windows of the second-floor building addition.*

**Appellant/Owner:** Moshe Shafrir

**Contact Phone Number:** (510) 710-4444

**Case File Number:** PLN14216-A01

**Planning Permits Required:** Minor Conditional Use Permit to construct two residential dwellings where one residential dwelling exists in a single lot in the RM-3 Zone; Regular Design Review for new residential construction; and Minor Variances to reduce the front yard setback where 15' is required and 2.14' is proposed, reduce the side yard setback where 4' is required and 0.40' is proposed for the new altered first floor residential unit, and to construct a driveway curb cut within 10' from the adjacent southerly neighboring driveway curb cut.

**General Plan:** Mixed Housing Type Residential

**Zoning:** RM-3/ Mixed Housing

**Environmental Determination:** State CEQA Guideline Sections- 15303-New Construction or Conversion of Small Structures; and 15183-Projects Consistent with a Community Plan, General Plan or Zoning

**Historic Status:** Rating: Dc3

**Service Delivery District:** 2

**City Council District:** 1

**Staff Recommendation:** Deny the appeal and uphold the Zoning Manager's decision

**Finality of Decision:** Final (not appealable per Section 17.132.030 (OPC))

**For Further Information:** Contact Case Planner **Mike Rivera** at (510) 238-6417 or by email: [mriviera@oaklandnet.com](mailto:mriviera@oaklandnet.com).



ITEM #1 HAS BEEN REMOVED FROM THIS AGENDA.

|           |                                     |  |
|-----------|-------------------------------------|--|
| <b>1.</b> | <b>Location:</b>                    | <del>The public Right of Way 41<sup>st</sup> Street and Piedmont Avenue. Nearest lot adjacent to the project site. APN: (012-0993-006-01).</del>   |
|           | <b>Proposal:</b>                    | <del>The project involves replacement of an existing 23' tall PG&amp;E utility pole with a new 34' tall utility pole to install new wireless telecommunication facility for Crown Castle located in the public right of way; installation of one 24" wide antenna panel and 4' wide cross arm mounted at a height of 27'-0"; an associated equipment box, one battery backup and meter boxes within shroud attached to the pole at 8' height above ground.</del> |
|           | <b>Applicant:</b>                   | <del>Crown Castle</del>  |
|           | <b>Contact Person/Phone Number:</b> | <del>Bob Gundermann &amp; Jason Osborn (925)899-1999</del>   |
|           | <b>Owner:</b>                       | <del>Pacific Gas &amp; Electric.PG&amp;E</del>   |
|           | <b>Case File Number:</b>            | <del>PLN15-389</del>   |
|           | <b>Planning Permits Required:</b>   | <del>Major Design Review to install a wireless Telecommunication Macro Facility to on existing PG&amp;E pole located in the public right of way in CN-1 zone.</del>  |
|           | <b>General Plan:</b>                | <del>Neighborhood Center Mixed Use.</del>  |
|           | <b>Zoning:</b>                      | <del>CN-1 Neighborhood Center Zone.</del>  |
|           | <b>Environmental Determination:</b> | <del>Exempt, Section 15301 and 15303 of the State CEQA Guidelines; minor additions and alterations to an existing utility pole.<br/>Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.</del>   |
|           |                                     | <del>7 Not a Potential Designated Historic Property; Survey Rating: N/A</del>  |
|           | <b>Service Delivery District:</b>   | <del>2</del>   |
|           | <b>City Council District:</b>       | <del>1</del>   |
|           | <b>Status:</b>                      | <del>Pending</del>   |
|           | <b>Action to be Taken:</b>          | <del>Decision of Application</del>   |
|           | <b>Finality of Decision:</b>        | <del>Appealable to City Council</del>  |
|           | <b>For Further Information:</b>     | <del>Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@oaklandnet.com</del>   |



ITEM #2 WAS CONTINUED FROM MARCH 2, 2016.

2.                   **Location:** 3125 E. 7<sup>th</sup> Street (APN: 025-0661-006-04)  
                     **Proposal:** To install a wireless telecommunications facility involving a new mono-pole designed to appear as a water tower, with nine (9) screened antennas with associated equipment and a ground level equipment compound below.  
                                  **NOTE: This is a re-notification of an item that was originally noticed and subsequently removed from the December 2<sup>nd</sup> 2016 Agenda.**  
                                  **Applicant:** Brendan Leonard for Verizon Wireless.  
**Contact Person/Phone Number:** Brendan Leonard (916)747-0624  
                                  **Owner:** Gary K. and Silvia M. Bennett  
                                  **Case File Number:** PLN15-072  
                     **Planning Permits Required:** Major Conditional Use Permit and Regular Design Review to install a Mono-pole Telecommunications Facility located in the residential zone  
                                  **General Plan:** Estuary Policy Plan Mixed Use  
                                  **Zoning:** D-CE-3 Estuary Policy Plan Zone , S-19 Health and Safety Protection Combining Zone  
**Environmental Determination:** Exempt, Section 15303 of the State CEQA Guidelines; new small structures. 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:  
**Service Delivery District:** 3  
                                  **City Council District:** 2  
                                  **Status:** Pending  
                                  **Action to be Taken:** Decision of Application  
                                  **Finality of Decision:** *Appealable to City Council*  
**For Further Information:** Contact case planner Moe Hackett at (510) 238-39730 or by email: [jmhackett@oaklandnet.com](mailto:jmhackett@oaklandnet.com)



ITEM #3 HAS BEEN REMOVED FROM THIS AGENDA.

|           |                                     |   |
|-----------|-------------------------------------|---|
| <b>3.</b> | <b>Location:</b>                    | <del>The Public Right-of-Way adjacent to 5 Montell Street and 3868 Piedmont Avenue. Nearest lot adjacent to the project site ( 012-0936-022-00 )</del>  |
|           | <b>Proposal:</b>                    | <del>The project involves the installation of a new wireless Telecommunications facility (Crown Castle) on a new 24' tall metal light pole located in the public right of way; installation of one 24" wide panel antenna mounted at a height of 23 feet above the ground; an associated equipment box, one battery backup and meter boxes within shroud attached to the light pole at 9' above ground.</del> |
|           | <b>Applicant:</b>                   | <del>Crown Castle</del>   |
|           | <b>Contact Person/Phone Number:</b> | <del>Bob Gundermann &amp; Jason Osborn (925)899-1999</del>  |
|           | <b>Owner:</b>                       | <del>City of Oakland</del>  |
|           | <b>Case File Number:</b>            | <del>PLN15-388</del>  |
|           | <b>Planning Permits Required:</b>   | <del>Major Conditional Use Permit and Design Review to install a new Monopole Telecommunication Facility within 100' of residential zone; and Minor Variance to waive 1:1 ratio setback distance to the residential zone and to establish Monopole Facility within 1500 feet of another Monopole Facility.</del>  |
|           | <b>General Plan:</b>                | <del>Neighborhood Center Mixed Use.</del>   |
|           | <b>Zoning:</b>                      | <del>CN-1 Neighborhood Center Zone.</del>   |
|           | <b>Environmental Determination:</b> | <del>Exempt, Section 15303 of the State CEQA Guidelines; installation a new telecommunication/light pole. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, General Plan or zoning.</del>  |
|           | <b>Historic Status:</b>             | <del>Not a Potential Designated Historic Property; Survey Rating: N/A</del>   |
|           | <b>Service Delivery District:</b>   | <del>2</del>  |
|           | <b>City Council District:</b>       | <del>1</del>  |
|           | <b>Status:</b>                      | <del>Pending</del>  |
|           | <b>Action to be Taken:</b>          | <del>Decision of Application</del>  |
|           | <b>Finality of Decision:</b>        | <del>Appealable to City Council within 10 days</del>  |
|           | <b>For Further Information:</b>     | <del>Contact case planner Jason Madani at (510) 238-4790 or by email: jmadani@oaklandnet.com</del>  |

**ITEM #4 HAS BEEN REMOVED FROM THIS AGENDA.**

|           |                                     |   |
|-----------|-------------------------------------|---|
| <b>4.</b> | <b>Location:</b>                    | <b>4276 Macarthur Boulevard (APN: 030-1981-150-01).</b>   |
|           | <b>Proposal:</b>                    | <del>To convert and expand existing automotive service bays within an existing gas and service station to a 24-hour gas station convenience market</del>  |
|           | <b>Applicant:</b>                   | <del>Raj Goeswamy</del>   |
|           | <b>Contact Person/Phone Number:</b> | <del>Raj Goeswamy (510)867-6540</del>   |
|           | <b>Owner:</b>                       | <del>Same</del>   |
|           | <b>Case File Number:</b>            | <b>PLN15299</b>   |
|           | <b>Planning Permits Required:</b>   | <del>Major Conditional Use Permit and Regular Design Review Special Use permit Criteria, CN Zone Findings to expand an existing building and establish a Convenience Market</del>   |
|           | <b>General Plan:</b>                | <del>Neighborhood Center Commercial</del>   |
|           | <b>Zoning:</b>                      | <del>CN-2, Neighborhood Center Commercial Zone</del>  |
|           | <b>Environmental Determination:</b> | <del>Exempt, Section 15301 of the State CEQA Guidelines; modifications to existing small structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.</del> |
|           | <b>Historic Status:</b>             | <del>None</del>   |
|           | <b>Service Delivery District:</b>   | <del>4</del>  |
|           | <b>City Council District:</b>       | <del>4</del>  |
|           | <b>Status:</b>                      | <del>Pending</del>  |
|           | <b>Action to be Taken:</b>          | <del>Decision of Application</del>  |
|           | <b>Finality of Decision:</b>        | <del>Appealable to City Council</del>   |
|           | <b>For Further Information:</b>     | <del>Contact case planner Moe Hackett at (510) 238-39730 or by email: mhackett@oaklandnet.com</del>   |

***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.



**ITEM #5 HAS BEEN REMOVED FROM THIS AGENDA.**

**5.**

**Project Name:** ~~7-11 Store~~

**Location:** ~~506 International Boulevard (APN 020-0134-007-03)~~

**Proposal:** ~~Allow Convenience Market Commercial Activity and Facility~~

**Contact Person/Phone Number:** ~~Jesse Kent 916-966-7325~~

**Owner:** ~~Habibisoureh Nozar, Jomehri Parvin~~

**Case File Number:** ~~PLN16027~~

**Planning Permits Required:** ~~Major Conditional Use Permit to allow a 3,516 square foot Mini-market/convenience store, with continued gasoline service and tobacco service, with no alcohol sales; with 10 parking spaces and signage, and with 24 hour operation, on a 23,957 square foot parcel, to replace an automotive gas station, retaining and repairing existing legal noneconforming gasoline pumps; Design Review for constructing new facility~~

**General Plan:** ~~Mixed Housing Type Residential, Neighborhood Center Mixed Use Commercial~~

**Zoning:** ~~CN-3 Neighborhood Commercial Zoning District~~

**Environmental Determination:** ~~Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303 small structures, 15332 urban infill, 15183 projects consistent with adopted plans~~

**Historic Status:** ~~Not a Potential Designated Historic Property~~

**Service-Delivery District:** ~~SDS-3~~

**City Council District:** ~~2~~

**Commission Action to Be Taken:** ~~Approve Staff Recommendation~~

**Appeal:** ~~To City Council~~

**For Further Information:** ~~David Valeska at (510) 238-2075, [dvaleska@oaklandnet.com](mailto:dvaleska@oaklandnet.com)~~





ITEM #6 WAS CONTINUED FROM MARCH 2, 2016.

|                                     |  |
|-------------------------------------|--|
| <b>6.</b>                           | <b>Location:</b> 4 <sup>th</sup> & Madison Streets<br>(APN: 001-0161-001-00; -002-00; & -007-07)   |
|                                     | <b>Proposal:</b> Proposal to demolish the existing building and surface parking lot and construct approximately 330 dwelling units and approximately 5,000 square feet of ground floor commercial in two buildings on two sites across the street from one another. The site includes the entire block between Jackson and Madison Streets and 4 <sup>th</sup> and 5 <sup>th</sup> Streets, and half of the block to the south bounded by 3 <sup>rd</sup> and 4 <sup>th</sup> Streets and Jackson and Madison Streets. |
|                                     | <b>Applicant:</b> Carmel Partners  |
| <b>Contact Person/Phone Number:</b> | Greg Pasquali - (415)231-0221  |
|                                     | <b>Owner:</b> Square 1 LLC   |
|                                     | <b>Case File Number:</b> ER15-005 & PLN15-172  |
| <b>Planning Permits Required:</b>   | Regular Design Review for New Construction, Major Conditional Use permit to allow parking within 75 feet of the project street frontage, and Tentative Parcel Map for new condominiums.  |
|                                     | <b>General Plan:</b> Estuary Policy Plan – Mixed Use District  |
|                                     | <b>Zoning:</b> C-45, Community Shopping Commercial Zone  |
| <b>Environmental Determination:</b> | Draft Environmental Impact Report was published for a 45-day review period from August 11, 2015 to September 25, 2015. The Final EIR was published on February 11, 2016.   |
|                                     | <b>Historic Status:</b> Potentially Designated Historic Property; OCHS Rating: Dc3<br>Contributor to Waterfront Warehouse National Register District   |
| <b>Service Delivery District:</b>   | Metro  |
| <b>City Council District:</b>       | 3  |
| <b>Action to be Taken:</b>          | Adopt the CEQA findings, including Certification of the Environmental Impact Report and Statement of Overriding Considerations, and decision on the application.   |
| <b>For Further Information:</b>     | Contact case planner <b>Peterson Z. Vollmann</b> at (510) 238-6167 or by email: <a href="mailto:pvollmann@oaklandnet.com">pvollmann@oaklandnet.com</a> .   |



ITEM #7 WAS CONTINUED FROM MARCH 2, 2016.

|                                     |   |
|-------------------------------------|---|
| <b>7.</b>                           | <b>Location:</b> 2126 Martin Luther King Jr Way<br>(APN: 008-0659-023-00 & 008-0659-022-00)   |
|                                     | <b>Proposal:</b> To construct a new six-story, 62 unit multi-family affordable housing residential building with a Service-Enriched Permanent Housing Residential Activity component.   |
|                                     | <b>Applicant:</b> SGPA Architecture for Resources for Community Development   |
| <b>Contact Person/Phone Number:</b> | Alexis Burck (415)983-0131  |
|                                     | <b>Owner:</b> Embark Apartments, L. P.  |
|                                     | <b>Case File Number:</b> PLN15351   |
| <b>Planning Permits Required:</b>   | Regular Design Review to construct a new six-story, 62 unit multi-family affordable housing residential building with a density bonus of 62 units where 56 units are permitted (10% bonus) and density incentives (1) for a building height of 75' where 55' is permitted; and (2) open space of 2,200 square feet where 4,650 square feet are required; and (3) to reduce the ground floor active space for office use.<br>Major Conditional Use Permit for a Service-Enriched Permanent Housing Residential Activities.<br>Minor Conditional Use Permit for a reduction in parking from 62 off-street parking spaces to 31 off-street parking spaces. |
|                                     | <b>General Plan:</b> Central Business District  |
|                                     | <b>Zoning:</b> CBD-X Central Business District Mixed Commercial Zone  |
| <b>Environmental Determination:</b> | Exempt, Section 15332 of the State CEQA Guidelines; In-fill development projects<br>15303 of the State CEQA Guidelines; new construction of small structures.<br>Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.   |
|                                     | <b>Historic Status:</b> No historic record – Vacant Lot   |
| <b>Service Delivery District:</b>   | Metro   |
| <b>City Council District:</b>       | 3   |
|                                     | <b>Status:</b> Pending  |
|                                     | <b>Action to be Taken:</b> Decision of Application  |
|                                     | <b>Finality of Decision:</b> <i>Appealable to City Council within 10 days</i>   |
| <b>For Further Information:</b>     | Contact case planner Michael Bradley at (510) 238-6935 or by email: <a href="mailto:mbradley@oaklandnet.com">mbradley@oaklandnet.com</a>  |

## 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.



ITEM #8 HAS BEEN REMOVED FROM THIS AGENDA.

|           |                                      |  |
|-----------|--------------------------------------|--|
| <b>8.</b> | <b>Location:</b>                     | <b>500 Hegenberger Road (8400 Edes Ave.); (APN: 042-4323-007-05)</b>   |
|           | <b>Proposal:</b>                     | <del>Appeal of the Zoning issuance of a Zoning Clearance Permit for new ownership of an existing Hotel (Transient Habitation) which was approved under Major Conditional Use Permit CM09-221</del>   |
|           | <b>Original Applicant / Contact:</b> | <del>Oakland Hotels, LLC — Nupen Patel / (510) 212-2714</del>  |
|           | <b>Appellant / Contact:</b>          | <del>UNITE-HERE Local 2850 — Ty Hudson / (213) 509-9114</del>  |
|           | <b>Property Owner:</b>               | <del>Oakland-Alameda Hotels LLC</del>  |
|           | <b>Case File Number:</b>             | <del>ZC152397-A01</del>  |
|           | <b>Original Case File Number:</b>    | <del>ZC152397</del>  |
|           | <b>Planning Permits Required:</b>    | <del>Zoning Clearance permit for change of ownership of an existing hotel</del>  |
|           | <b>General Plan:</b>                 | <del>Regional Commercial</del>   |
|           | <b>Zoning:</b>                       | <del>CR-1 Regional Commercial Zone</del>   |
|           | <b>Environmental Determination:</b>  | <del>Exempt, Section 15301 of the State CEQA Guidelines; minor alteration and operation of existing facilities.<br/>Exempt, Section 15268 of the State CEQA Guidelines; ministerial projects.<br/>Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.</del> |
|           | <b>Historic Status:</b>              | <del>Not a Potential Designated Historic Property; Survey rating: F3</del>   |
|           | <b>Service Delivery District:</b>    | <del>4</del>   |
|           | <b>City Council District:</b>        | <del>7</del>   |
|           | <b>Status:</b>                       | <del>Application approved by Zoning on October 29, 2015; Appealed November 9, 2015.</del>  |
|           | <b>Action to be Taken:</b>           | <del>Public Hearing</del>  |
|           | <b>Staff Recommendation:</b>         | <del>Deny the appeal and uphold the Zoning Administrator's approval</del>  |
|           | <b>Finality of Decision:</b>         | <del>Final (Not Appealable Pursuant to OMC Sec. 17.132.030)</del>  |
|           | <b>For Further Information:</b>      | <del>Contact case planner Michael Bradley at (510) 238-6935 or by email: <a href="mailto:mbradley@oaklandnet.com">mbradley@oaklandnet.com</a></del>  |



9. **Location:** 3308 Grand Avenue  
**Assessor's Parcel Number:** 011 083603100  
**Proposal:** An appeal of the Zoning Manager's Approval of an application to construct a two-story rear addition and reconstruct existing rear building area for a total 1,582 square feet (net 575 square feet of added building floor area) to an existing two-story Full Service Restaurant, Boot and Shoe Company  
**Appellants:** Carl Telson and Sz Jou  
**Phone Number:** (415) 271-5004 (Appellants)  
**Owner:** Richard Weinstein  
**Case File Number:** PLN15-058-A01  
**Planning Permits Required:** Regular Design Review  
**General Plan:** Neighborhood Center Mixed Use  
**Zoning:** CN-2 Neighborhood Commercial  
**Environmental Determination:** Staff Environmental Approval PLN15-058, October 23, 2015  
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; Dc2+Rating  
**Service Delivery District:** 3  
**City Council District:** 2  
**Date Filed:** November 2, 2015  
**Action to be Taken:** Deny the appeal and uphold the Zoning Manager's decision  
**Finality of Decision:** Final (Not Appealable pursuant to OMC Sec. 17.132.030)  
**For Further Information:** Contact case planner **David Valeska, Planner II** at (510) 238-2075 or [dvaleska@oaklandnet.com](mailto:dvaleska@oaklandnet.com)

## 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

\*Revised 02-29-16 to indicate that item numbers 1, 3 and 4 were removed from this agenda.

\*Revised 03-04-16 to indicate that item #5 has been removed from this agenda.

\*Revised 03-08-16 to indicate that item #8 has been removed from this agenda and item #.5 was added to this agenda.

**NEXT REGULAR MEETING:** April 6, 2016