



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

March 23, 2016
Special Meeting

MEAL GATHERING

6:00 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

7:00 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 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.

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

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**

Department, 250 Frank H. Ogawa Plaza, Oakland, California 94612. **Reports are also available at the Strategic Planning Division on the 3rd 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 (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 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.

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.



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



6.	Location: 4th & Madison Streets (APN: 001-0161-001-00; -002-00; & -007-07)
	Proposal: 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 th and 5 th Streets, and half of the block to the south bounded by 3 rd and 4 th Streets and Jackson and Madison Streets.
	Applicant: Carmel Partners
Contact Person/Phone Number:	Greg Pasquali - (415)231-0221
	Owner: Square 1 LLC
	Case File Number: ER15-005 & PLN15-172
Planning Permits Required:	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.
	General Plan: Estuary Policy Plan – Mixed Use District
	Zoning: C-45, Community Shopping Commercial Zone
Environmental Determination:	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.
	Historic Status: Potentially Designated Historic Property; OCHS Rating: Dc3 Contributor to Waterfront Warehouse National Register District
Service Delivery District:	Metro
City Council District:	3
Action to be Taken:	Adopt the CEQA findings, including Certification of the Environmental Impact Report and Statement of Overriding Considerations, and decision on the application.
For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollmann@oaklandnet.com .

PLEASE NOTE THAT BOTH ITEMS ON THIS AGENDA WERE CONTINUED FROM MARCH 16, 2016 DUE TO A LACK OF QUORUM.

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: April 6, 2016