

Case File Number: A13-110 (CU12-250)

June 19, 2013

<b>Location:</b>	386-14 <sup>th</sup> Street (See map on reverse)
<b>Assessors Parcel Numbers:</b>	(APN: 008-0624-041-00)
<b>Proposal:</b>	Appeal of the Zoning Manager's denial of an application to establish a Health Care Civic Activity (Medical Clinic) on the ground floor of an existing building.
<b>Original Applicant/Contact:</b>	MWA Architects, Emmanuelle Anum / (510)379-1441
<b>Appellant/Contact:</b>	MWA Architects, Emmanuelle Anum / (510)379-1441
<b>Owner:</b>	1404 Franklin Street Partners
<b>Case File Number:</b>	A13-0110
<b>Original Case File Number:</b>	CU12-250
<b>Planning Permits Required:</b>	Minor Conditional Use Permit to establish a Health Care Civic Activity (Medical Clinic) on the ground floor of an existing building within the CBD-P zone.
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	CBD-P Central Business District Pedestrian Retail Commercial Zone
<b>Environmental Determination:</b>	Exempt, Section 15270 of the State CEQA Guidelines; disapproval of a project.
<b>Historic Status:</b>	Designated Historic Property; Survey rating: B+1+
<b>Service Delivery District:</b>	Metro
<b>City Council District:</b>	3
<b>Date Appeal Filed:</b>	4/12/13
<b>Date Original Case Filed:</b>	12/10/12
<b>Finality of Decision:</b>	Final (Not Appealable Pursuant to OMC Sec. 17.132.030)
<b>For Further Information:</b>	Contact case planner <b>Michael Bradley</b> at (510) 238-6935 or mbradley@oaklandnet.com

## SUMMARY

The proposed project, to establish a Health Care Civic Activity (Medical Clinic) on the ground floor of an existing building within the CBD-P zone, was denied by the Zoning Manager on April 5, 2013. The approval was subsequently appealed by the original applicant and now appellant, Emmanuelle Anum of MWA Architects. Under Planning Code 17.134.060, appeals of minor conditional use permits must state where an error or abuse of discretion was made by the Zoning Manager or where the Zoning Manager's decision is not supported by evidence in the record. The arguments raised by the appellant fail to assert error, abuse of discretion or lack of evidence, and are summarized below in the *Basis for the Appeal* portion of this report, along with staff's response to each argument. The arguments are also addressed in the attached April 5, 2013 decision letter (*Attachment B*). For the reasons stated in this report and attachments, staff recommends the Planning Commission deny the appeal, thereby upholding the Zoning Manager's denial.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: A13-110  
Applicant: MWA Architects - Emmanuelle Anum  
Address: 386 - 14th Street  
Zone: CBD-P

## **PROJECT DESCRIPTION**

The applicant (Alameda County Health Care Services Agency) is proposing to establish a Health Care Civic Activity (Medical Clinic) on the ground floor of an existing building within the CBD-P zone. The proposal is for a health clinic serving disabled Alameda County residents. The applicant is requesting to occupy the entire ground floor (8,737 square feet) and a portion of the second floor (4,142 square feet).

## **PROPERTY DESCRIPTION**

The subject property is currently a seven (7) story building with ground floor retail, restaurant, office and lobby space. The property was developed in 1924 (based on the Alameda County Assessors Data). Currently tenants are occupying the ground floor retail storefront spaces.

## **GENERAL PLAN ANALYSIS**

The subject site is in the Central Business District (CBD) classification of the City of Oakland General Plan. The Central Business District classification is intended to encourage, support, and enhance the downtown area as a high density mixed use urban center of regional importance and a primary hub for business, communications, office, government, high technology, retail, entertainment, and transportation in Northern California. Staff finds that the proposal would not be consistent with the intent of the General Plan.

## **ZONING ANALYSIS**

The established intent for the CBD-P classification is the enhancement of the downtown area as a high density mixed use urban center of regional importance with an emphasis on ground floor retail, restaurants, and entertainment uses. Policy D3.1 of the City of Oakland General Plan Land Use and Transportation Element (L.U.T.E.) Promoting Pedestrians, states that pedestrian-friendly commercial areas should be promoted. Policy D5.1 of the LUTE, Encouraging Twenty-Four Hour Activity, states: activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted. The proposal for a ground floor Health Care Civic Activity (Medical Clinic) at this location does not create, maintain, or enhance such ground-level, pedestrian-oriented, active storefront uses and therefore does not conform to the Central Business District General Plan guidelines or zoning criteria.

## **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines lists the projects that qualify as categorical exemptions from environmental review. The proposed project is categorically exempt from the environmental review requirements pursuant to Section 15270 of the State CEQA Guidelines; disapproval of a project.

## **BASIS FOR THE APPEAL**

An appeal (*Attachment A*) of the Zoning Manager's approval was filed on April 12, 2013 by the original applicant, Emmanuelle Anum of MWA Architects. The appeal was based on her claim

that the proposal does conform to the required Conditional Use Permit criteria. Specifically, the appeal states that the site is appropriate to establish a Health Care Civic Activity (Medical Clinic) on the ground floor of an existing building within the CBD-P zone. The appellant has created findings that support the project for the General Use Permit criteria and the specific CBD-P Conditional Use Permit findings.

The following is a list of the specific issues raised in the appeal along with staff's response to each point. The Findings and the basis for the appeal are shown in **bold** text and the staff response follows each point in regular type.

**1. The appellant writes in response to 17.134.050 General Use Permit Criteria A:**

***A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;***

The proposed project is a request for a Conditional Use Permit to establish a Health Care Civic Activity (Medical Clinic) that will occupy 7,614 square feet on the ground floor and 3,608 square feet on the second floor of an existing building in the CBD-P zone. The proposed project consists primarily of interior tenant improvements; it does not increase the floor area of the building or require exterior alterations, aside from signage. The surrounding neighborhood consists of a variety of restaurants and retail establishments. The operating characteristics of a ground floor medical facility would not disrupt the surrounding developments and businesses. In fact, the clinic will actively benefit the surrounding businesses by generating foot traffic in the area. The TRUST Clinic at 14<sup>th</sup> and Franklin Streets will be strategically located near public transportation which disabled clients heavily rely upon. Location on the ground will increase accessibility and visibility.

Staff's Response:

The surrounding neighborhood consists of a variety of restaurants and retail establishments. The operating characteristics of a ground floor medical facility would disrupt the surrounding developments and businesses because it does not directly contribute to the creation of ground floor retail and pedestrian shopping. Such activities need to cluster together in order to ensure that a healthy density of foot traffic is attracted to a specific location. The zoning was written to discourage and allow prohibition of ground floor office and medical activities on the ground floor as those are generally not indicative of high pedestrian usage and therefore do not help draw retail shoppers to the area. Currently, the ground floor of the existing building includes an active storefront presence, as it accommodates four retail businesses, each with its own separate storefront. These storefronts are part of a vital and vibrant retail node that provides service, restaurant and shopping opportunities for employees, residents and visitors. Approval of the Health Care Civic Activity (Medical Clinic) would have an adverse effect on desirable neighborhood character by eliminating these four continuous retail ground level storefronts on 14<sup>th</sup> Street, which are typically businesses that contribute to active, pedestrian-oriented ground floor uses.

**2. The appellant writes in response to 17.134.050 General Use Permit Criteria B:**



*That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;*

The proposed TRUST Clinic will provide a convenient and functional working and civic environment. Data shows that the clinic's targeted population is concentrated in downtown Oakland. The clinic will be conveniently accessible to disabled residents who live in the neighborhood. TRUST is projected to serve 1,300 persons over a 12 month period. The clients will be directed to neighboring businesses such as pharmacies, drug stores (Walgreens, New Oakland Pharmacy and Rite Aid), restaurants and other ancillary and tangential purchases. The TRUST Clinic has budgeted for 27 staff members on site. These employees will become patrons of surrounding businesses. Surrounding neighborhood businesses are in favor of the clinic location. Refer to attached letters of support from New Oakland Pharmacy, Adams Mediterranean Grill & Café, Awaken Café, MSMGF, Modern Coffee, Homeless Action Center, Café Gabriela, Brown Couch Café, Dr. Ernie Lavorini, DDS, and Public Interest Law Project.

Staff's Response:

The proposed Health Care Civic activity on the ground floor in the CBD-P zone will detract from the functional living, working, shopping and civic environment of the surrounding neighborhood because such an activity does not typically draw in pedestrian traffic looking for an active shopping and dining experience. In addition, the proposal would eliminate four long standing existing retail and restaurant establishments that currently exist along 14<sup>th</sup> Street. High quality retail storefronts should be preserved for active ground floor retail and restaurant uses, which directly contribute to the important retail and commercial characteristics of this area.

**3. The appellant writes in response to 17.134.050 General Use Permit Criteria C:**

*That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;*

The proposal will provide an essential medical, mental health and legal services to the community. Its primary mission is to increase income for Disabled Oakland Residents thereby increasing the influx of federal dollars being spent in the local economy; provide access to advocacy for disability benefits; provide high quality integrated health care; provide supportive services to improve customer's quality of life and quality of their citizenship; provide housing subsidies and support to our customers living in unstable housing; transition customers from the streets of downtown to stable living situations in more affordable parts of Oakland and the County. In the event of a municipal emergency or natural disaster, the TRUST Clinic can be a location for first responders and emergency medical personnel. The TRUST Clinic's services will also bring support to other local service providers.

Staff's Response:

The proposal would provide an essential service to the community by establishing a health clinic on the site. However, such use should be located on a 2<sup>nd</sup> (or higher) floor to avoid the adverse ground floor impacts identified in other findings.

**4. The appellant writes in response to 17.134.050 General Use Permit Criteria D:**

*That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;*

No design review is required because the proposal does not involve any exterior alterations.

Staff's Response:

No design review is required because the proposal does not involve extensive exterior alterations.

**5. The appellant writes in response to 17.134.050 General Use Permit Criteria E:**

*That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council;*

The proposal for a ground floor Health Care Civic Activity at this location will increase the vitality of the area. The clinic will be a reliable and stable presence in the neighborhood and will attract other commercial activities. Other Health Care Civic Activity businesses already exist in the CBD-P Central Business Pedestrian Retail Commercial Zone (i.e.: Oakland Dental Care, located in the corner of 17<sup>th</sup> Street and Broadway...)

Staff's Response:

The established intent of the CBD-P classification is the enhancement of the downtown area as a high density mixed use urban center of regional importance with an emphasis on ground floor retail, restaurants, and entertainment uses. Policy D3.1 of the City of Oakland General Plan Land Use and Transportation Element (L.U.T.E.) Promoting Pedestrians, states that pedestrian-friendly commercial areas should be promoted. Policy D5.1 of the LUTE, Encouraging Twenty-Four Hour Activity, states: activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted. The current proposal does not conform to these policies.

**6. The appellant writes in response to 17.58.040 (L5) Additional CUP Findings Criteria a:**

*The proposal will not impair a generally continuous wall of building facades;*

**The proposal will preserve the continuous wall of building façade.**

Staff's Response:

Although the proposal does not involve extensive exterior alterations, the current design and layout of the building are excellent for either retail or restaurant activities based on the architecture and ceiling heights. The proposal would eliminate long standing existing retail and restaurant establishments that currently exist along 14<sup>th</sup> Street. With the elimination of the retail and restaurant establishments, most likely storefront doors and glazing along with decorative awnings would be eliminated thus changing the existing retail design of the four commercial spaces.

**7. The appellant writes in response to 17.58.040 (L5) Additional CUP Findings Criteria b:**

*The proposal will not weaken the concentration and continuity of retail facilities at the ground-level, and will impair retention or creation of an important shopping frontage;*

**There are 3 parking lots flanking the sides of the building that do not promote concentration and continuity of retail frontage (See attachment B, C and D). For the last 10 years, retail businesses have had a high turnover rate in the building and in the area. Quality businesses have been impossible to attract and retain.**

Staff's Response:

The proposal would eliminate four long standing existing retail and restaurant establishments that currently exist along 14<sup>th</sup> Street, which weakens the concentration and continuity of retail facilities at ground level. The proposal impairs both the retention of existing businesses and the creation of an important shopping frontage.

**8. The appellant writes in response to 17.58.040 (L5) Additional CUP Findings Criteria c: *The proposal will not interfere with the movement of people along an important pedestrian street;***

**We believe the TRUST Clinic will be the destination that will increase the movement of people along the pedestrian street. The clinic will contribute to the sought after pedestrian intensity by bringing people to a needed and essential health service and then attract other commercial businesses which will want to cater to these customers.**

Staff's Response:

The proposal will not necessarily directly interfere with the movement of people along an important pedestrian street. However, such a medical service use at ground level will not contribute to the necessary intensity of ground floor pedestrian activity and interest.

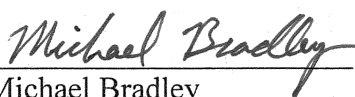
**CONCLUSION**

City of Oakland planning staff believes that the proposed project on the ground floor of the subject property does not satisfy applicable zoning criteria for this type of development. Staff believes that the findings for approval cannot be made to support the Conditional Use Permit.

**RECOMMENDATIONS:**

1. Uphold staff's CEQA environmental determination
2. Deny the appeal and uphold the Zoning Manager's denial of the project based on this appeal report, the project plans, and the Zoning Manager's decision letter with Findings dated April 5, 2013.

Prepared by:

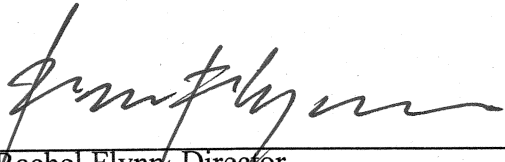
  
Michael Bradley  
Planner I

Approved by:



Scott Miller  
Zoning Manager

Approved for forwarding to the  
City Planning Commission



Rachel Flynn, Director  
Department of Planning and Building

**ATTACHMENTS:**

- A. Emmanuelle Anum, MWA Architects appeal dated April 12, 2013
- B. Zoning Manager's decision letter dated April 5, 2013
- C. Project Plans

**LEGAL NOTICE:**

**ANY PARTY SEEKING TO CHALLENGE THIS DECISION IN COURT MUST DO SO WITHIN NINETY (90) DAYS OF THE ANNOUNCEMENT OF A FINAL DECISION, PURSUANT TO THE CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 1094.6, UNLESS A SHORTER PERIOD APPLIES.**

# ATTACHMENT A

MWA  
Architects



301 Howard Street  
Suite 500  
San Francisco, CA  
94105

*tel:* (415) 957 2750  
*fax:* (415) 957 2780

April 12, 2013

City of Oakland Planning Commission  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

**RE: Case File No. CU12-250; 386-14<sup>th</sup> Street (APN: 008-0624-041-00)**

Dear Commissioners and Planning Department,

MWA Architects is presenting this application on behalf of our client 1404 Franklin Street Partners, LLC.

We are seeking your approval of the Conditional Use Permit to establish a Health Care Civic Activity (Medical Clinic) within an existing building located at 386 14<sup>th</sup> Street.

Our original application has been denied by the Zoning Manager and we are appealing this decision based on the following findings:

**17.134.50 – General Use Permit Criteria. Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:**

- A. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with the consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if capacity of surrounding streets; and to any other relevant impact of the development;**

The proposed project is a request for a Conditional Use Permit to establish a Health Care Civic Activity (Medical Clinic) that will occupy 7,614 square feet on the ground floor and 3,608 square feet on the second floor of an existing building in the CBD-P zone. The

proposed project consists primarily of interior tenant improvements; it does not increase the floor area of the building or require exterior alterations, aside from signage. The surrounding neighborhood consists of a variety of restaurants and retail establishments. The operating characteristics of a ground floor medical facility would not disrupt the surrounding developments and businesses. In fact, the clinic will actively benefit the surrounding businesses by generating foot traffic in the area. The TRUST Clinic at 14<sup>th</sup> and Franklin Streets will be strategically located near public transportation which disabled clients heavily rely upon. Location on the ground will increase accessibility and visibility.

**B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;**

The proposed TRUST Clinic will provide a convenient and functional working and civic environment. Data shows that the clinic's targeted population is concentrated in downtown Oakland. The clinic will be conveniently accessible to disabled residents who live in the neighborhood. TRUST is projected to serve 1,300 persons over a 12 month period. The clients will be directed to neighboring businesses such as pharmacies, drug stores (Walgreens, New Oakland Pharmacy and Rite Aid), restaurants and other ancillary and tangential purchases. The TRUST Clinic has budgeted for 27 staff members on site. These employees will become patrons of surrounding businesses. Surrounding neighborhood businesses are in favor of the clinic location. Refer to attached letters of support from New Oakland Pharmacy, Adams Mediterranean Grill & Café, Awaken Café, MSMGF, Modern Coffee, Homeless Action Center, Café Gabriela, Brown Couch Café, Dr. Ernie Lavorini, DDS, and Public Interest Law Project.

**C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;**

The proposal will provide an essential medical, mental health and legal services to the community. Its primary mission is to increase income for Disabled Oakland Residents thereby increasing the influx of federal dollars being spent in the local economy; provide access to advocacy for disability benefits; provide high quality integrated health care; provide supportive services to improve customer's quality of life and quality of their citizenship; provide housing subsidies and support to our customers living in unstable housing; transition customers from the streets of downtown to stable living situations in more affordable parts of Oakland and the County. In the event of a municipal emergency or natural disaster, the TRUST clinic can be a location for first responders

and emergency medical personnel. The TRUST clinic's services will also bring support to other local service providers.

- D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;**

No design review is required because the proposal does not involve any exterior alterations.

- E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.**

The proposal for a ground floor Health Care Civic Activity at this location will increase the vitality of the area. The clinic will be a reliable and stable presence in the neighborhood and will attract other commercial activities. Other Health Care Civic Activity businesses already exist in the CBD-P Central Business Pedestrian Retail Commercial Zone (i.e.: Oakland Dental Care, located in the corner of 17<sup>th</sup> St and Broadway, see attachment A).

**CBD-P Central Business District Pedestrian Retail Commercial Zone 17.58.40 (L5) Additional CUP findings:**

**If located on the ground floor of a building and within thirty (30) feet from any street abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:**

- a. The proposal will not impair a generally continuous wall of building facades;**

The proposal will preserve the continuous wall of building façade.

- b. The proposal will not weaken the concentration and continuity of retail facilities at the ground-level, and will impair retention or creation of an important shopping frontage;**

There are 3 parking lots flanking the sides of the building that do not promote concentration and continuity of retail frontage (See attachment B, C and D). For the last 10 years, retail businesses have had a high turnover rate in the building and in the area. Quality businesses have been impossible to attract and retain. The Clinic proposal will be a stable presence and fill up the ground floor of the building which would otherwise remain at a 35% occupancy rate.

**c. The proposal will not interfere with the movement of people along an important pedestrian street.**

We believe the TRUST clinic will be the destination that will increase the movement of people along the pedestrian street. The clinic will contribute to the sought after pedestrian intensity by bringing people to a needed and essential health service and then attract other commercial businesses which will want to cater to these customers.

Respectfully,

A handwritten signature in black ink, appearing to read 'Emmanuelle Anum', with a stylized flourish at the end.


Emmanuelle Anum, ASID  
Project Manager

Supporting documents:

1. Letter from Dr. Muntu Davis, M.D., MPH, Director & Health Officer for Alameda County Public Health Department.
2. Ten (10) Letters of support from neighborhood businesses.



Google



Get Google Maps on your phone

Text the word "GMAPS" to 466453

A. **17th Street Center**  
389 17th St, Oakland, CA  
(510) 452-1914



Dental office in the corner of Broadway and 17th street

ATTACHMENT A



Address **1387 Franklin St**  
**Oakland, CA 94612**



Existing parking  
structure on west  
side of building

386 14th Street

# ATTACHMENT B



Address 1426 Franklin Street

Address is approximate



386th 14th Street

Existing parking lot on east side of building

ATTACHMENT C



Address **365 14th Street**  
Address is approximate



386th 14th Street

Existing parking lot  
on south side of building

# ATTACHMENT D



ALAMEDA COUNTY HEALTH CARE SERVICES AGENCY  
PUBLIC HEALTH DEPARTMENT

Alex Briscoe, Director  
Dr. Muntu Davis, MD, MPH, Director and Health Officer

1000 Broadway, 5<sup>th</sup> Fl  
Oakland, CA 94607  
3789

PH (510) 268-2294  
FAX (510) 273-

February 22, 2013

City of Oakland  
Department of Planning, Building and Neighborhood Preservation  
250 Frank H. Ogawa Plaza, 2<sup>nd</sup> floor  
Oakland, CA 94612-2031

RE: Conditional Use Permit for 1404 Franklin St/Case file number: CU12250

Dear City Planners,

Permitting a health clinic use at 1404 Franklin would greatly enhance the neighborhood. It would provide needed services, add to the consumer base, and promote livability and economic vitality in the neighborhood.

Our Services

We at Alameda County Public Health Department wish to open a health clinic for disabled Alameda County residents, most of which reside in Oakland, at 14<sup>th</sup> and Franklin. The primary mission of this clinic is to:

- Increase income for Disabled Oakland Residents thereby increasing the influx of federal dollars being spent in the local economy;
- Provide access to advocacy for disability benefits
- Provide high quality integrated health care
- Provide supportive services to improve customers' quality of life and quality of their citizenship
- Provide housing subsidies and support to our customers living in unstable housing
- Transition customers from the streets of downtown to stable living situations in more affordable parts of Oakland and the County.

Need

At some point every individual becomes dependent on medical care and intervention. People who need health care exist in every neighborhood and every community including downtown Oakland.

Currently, there is not a single health clinic in Alameda County that focuses solely on addressing the "Whole patient" needs of disabled residents. Trust Clinic represents an opportunity for Oakland to host an innovative new project that meets a current unmet need of its residents.

With the implementation of the Affordable Care Act approaching, there will be a large increase in the demand for access to health care, and a need for expansion of health care capacity throughout Alameda County. This presents an opportunity to create jobs, expand the consumer base, and increase livability throughout Oakland neighborhoods by integrating mixed land use to create sustainable communities.

### Why 1404 Franklin

Locating TRUST Clinic at 14<sup>th</sup> and Franklin Streets is a strategic decision because there is an enormous need in the downtown Oakland area as well as its accessibility to transit. Disabled residents are often more dependent upon public transportation than the average citizen. Clinic services must be on the ground floor for patient accessibility.

Additionally, we want to bring increased vitality and economic activity to the neighborhood surrounding 14<sup>th</sup> and Franklin. Currently, many of the neighboring properties are vacant properties. Filling a location with a stable, reliable tenant will make the area seem more active and alive.

Furthermore, a business that brings in customers without bringing competition helps to mitigate some of the risks of starting a small business or new location in that area.

### Economic Benefits of Granting the Conditional Use Permit

The Trust Clinic will bring in additional customers for the surrounding neighborhood businesses by:

- Locating over 25 new employees at the site;
- Hosting Conferences and Meetings at the site; and
- Referring our customers to local surrounding businesses as appropriate.

One of the cornerstones of the TRUST Clinic is to increase economic vitality in Oakland by helping disabled residents secure greater income. Numerous studies demonstrate that increasing access to income for disabled residents has a multiplier effect that stimulates local economies, which in turn supports local businesses and local job creation.<sup>1</sup>

After adjusting for money spent locally, we estimate that our income assistance services will increase economic activity by approximately \$ 1,193,869 annually for the local Oakland economy.<sup>2</sup>

### Our presence will enhance the neighborhood

In addition to improving the quality of life for Oakland residents, we will improve the quality of the neighborhood by:

- Being an asset and a resource for our business and residential neighbors;
- Playing a key role in providing essential services in the event of a public emergency or natural disaster; and
- Providing assurance to the public and the local business community that people in need are receiving effective treatment.

### Conclusion

By approving the Conditional Use Permit Application for 1404 Franklin St, the City of Oakland planning department will improve the health of Oakland residents and increase the consumer base for surrounding businesses. Healthier and more prosperous residents and businesses make for a more prosperous Oakland.

Sincerely,



Muntu Davis M.D., MPH, Director & Health Officer  
Alameda County Public Health Department

<sup>1</sup> See ¶ Dividends of a Hand Up¶, Economic Roundtable (2011).

<sup>2</sup> Infra ¶d. And infra ¶Summary: The Role of Unemployment as an Automatic Stabilizer During a Recession¶, US Department of Labor, 2010.





## PUBLIC INTEREST LAW PROJECT

Michael Rawson  
Director  
Extension 145  
mrawson@pilpca.org

February 24, 2013

Stephen Ronfeldt  
Co-Director Emeritus  
Extension 127  
sronfeldt@pilpca.org

BY HAND DELIVERY

City of Oakland Planning Commission  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

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Griselda Aceves  
Administrator  
Extension 101  
gaceves@pilpca.org



RE: Conditional Use Permit for 1404 Franklin St

Dear Commissioners and Planning Department:

As a neighbor of the proposed TRUST Clinic, at 1404 Franklin, and as a provider of services to local residents and others, we are writing to support your issuance of a permit to the Alameda County Public Health Department to operate a health clinic at that location.

We believe this use would fit well with existing neighborhood uses, and add to the area's livability and vitality. The clinic would also provide a much needed service to low-income Oakland residents with disabilities, in a location that is accessible to them.

A primary mission of the proposed clinic will be to help these individuals to access federal income support funds, as well as integrated health care services. This will not only contribute federal dollars to the local economy, but significantly reduce burdens on City and County health, welfare, and other public resources. Clinic services will also improve the quality of life for its clients, and for people who work, live, or visit in the neighborhood, because these services will help to transition clients from the streets in the downtown area to more healthful and stable housing in more affordable parts of the County.

The location of the proposed clinic makes perfect sense. Many of the clients who are most in need of its services reside nearby. For those who reside in other areas of the City or County, public transit, upon which many of those served will necessarily rely, is also readily accessible. City, County, state, and federal government offices are also nearby. The TRUST clinic's services will also integrate well with those provided by other organizations who are area tenants, such as Swords to Plowshares, the Homeless Action Center, us, and others, all of which are involved in efforts to help low income residents, and those with disabilities, become stable and self-sufficient.

Letter to Planning Commission  
February 25, 2013  
Page 2

It is also important to note that many neighborhood properties, including ground floor locations, are currently vacant. We believe the clinic will increase the area's vitality and may attract other activities, both commercial and service-oriented. The County Public Health Department will clearly be a reliable and stable presence and tenant.

For all of these reasons, we join in the request to approve the proposed planning permits.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Rawson", is written over a horizontal line.

THE PUBLIC INTEREST LAW PROJECT

Michael Rawson  
Director



**From: Oakland Pharmacy Inc.  
Dba New Oakland Pharmacy  
388 9<sup>th</sup> Street  
Oakland, CA 94607  
510 763 3282**

**To: City of Oakland  
Department of Planning, Building and Neighborhood Preservation  
Zoning Department  
250 Frank H. Ogawa Place, 2<sup>nd</sup> Floor  
Oakland, CA 94612-2031**

**Re: Case number CU12250 – 386 14<sup>th</sup> Street, Oakland, CA**

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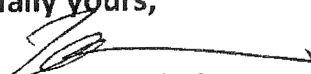
**To whom it may concern:**

**My name is Dr. Kam Tam and I am the owner of 3 pharmacies located at downtown Oakland approximately 5 to 6 blocks away from the project property which is applying a permit to operate a health center facility. New Oakland Pharmacy has been operated in Oakland Chinatown for over 25 years and has been instrumental in improving the healthcare of our community. This proposed health facility will bring much needed traffic to our community and definitely will improve the general economic health of our community.**

**This health facility will add economic growth in employment and revenue to all businesses and the City of Oakland. I support the application for this health facility on 14<sup>th</sup> Street.**

**(The locations of my pharmacies are: 333 -9<sup>th</sup> Street, Oakland, 388 9<sup>th</sup> Street, Oakland and 822 Webster Street, Oakland.)**

**Cordially yours,**

  
**Dr. Kam Tam – CEO  
Oakland Pharmacy Inc.  
Feb., 21, 2013**

**Bradley, Michael**

---

**From:** kam tam [ronalstkam@gmail.com]  
**Sent:** Thursday, February 21, 2013 5:15 PM  
**To:** Bradley, Michael  
**Subject:** letter of support for clinic

From: Oakland Pharmacy Inc.  
Dba New Oakland Pharmacy  
388 9th Street  
Oakland, CA 94607  
510 763 3282

To: City of Oakland  
Department of Planning, Building and Neighborhood Preservation  
Zoning Department  
250 Frank H. Ogawa Place, 2nd Floor  
Oakland, CA 94612-2031

Re: Case number CU12250 - 386 14th Street, Oakland, CA

To whom it may concern:

My name is Dr. Kam Tam and I am the owner of 3 pharmacies located at downtown Oakland approximately 5 to 6 blocks away from the project property which is applying a permit to operate a health center facility. New Oakland Pharmacy has been operated in Oakland Chinatown for over 25 years and has been instrumental in improving the healthcare of our community. This proposed health facility will bring much needed traffic to our community and definitely will improve the general economic health of our community.

This health facility will add economic growth in employment and revenue to all businesses and the City of Oakland. I support the application for this health facility on 14th Street.

(The locations of my pharmacies are: 333 -9th Street, Oakland, 388 9th Street, Oakland and 822 Webster Street, Oakland.)

Cordially yours,

Dr. Kam Tam - CEO  
Oakland Pharmacy Inc.  
Feb., 21, 20

ADAMS Mediterranean Grill  
&  
CAFE

1442 Franklin St  
Oakland CA 94612  
Phone: (510) 271-8010  
FAX: (510) 271-8015

2/21/2013

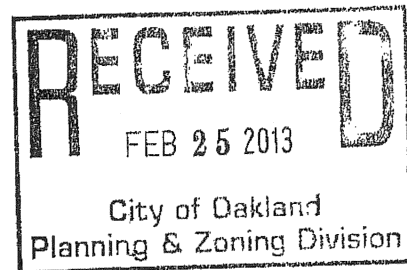
February 22, 2013

City of Oakland

Planning Department

250 Frank H. Ogawa Plaza, Suite 3315

Oakland, CA 94612



I am writing to express support for the TRUST Clinic's application for a Conditional Use Permit at 1404 Franklin Street in downtown Oakland.

Opening a clinic for disabled people is the right thing to do and will benefit residents and businesses alike. Raising the quality of life in our city by making people healthier leads to a better environment in which to live and do business.

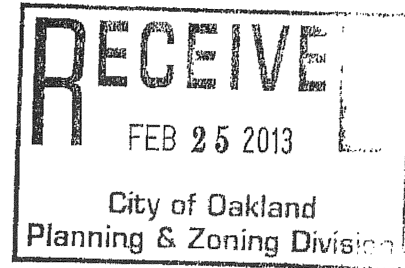
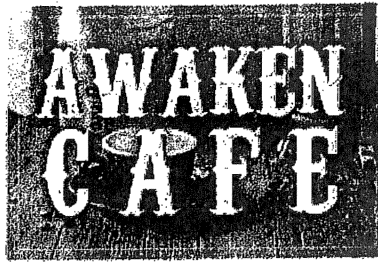
Our understanding is that the clinic will be run by employees of the Alameda Public Health Department and will include doctors, lawyers and administrative workers. This is a clientele that will contribute to local business interests by eating out, making purchases and otherwise infusing dollars into the local economy. County workers are professional people who will be visible throughout the downtown area.

The City of Oakland has much to gain and nothing to lose by allowing this clinic to operate. The property at 1404 Franklin has been vacant for a long time. Putting a new health facility here will brighten up the entire block along 14<sup>th</sup> Street. Please grant the request for a Conditional Use Permit.

Sincerely,

Khaled Amour

A handwritten signature in black ink, appearing to read "Khaled Amour", with a long, sweeping horizontal line underneath.



February 22, 2013

City of Oakland

1429 Broadway  
Oakland, CA 94612

Department of Planning, Building and Neighborhood Preservation

250 Frank H. Ogawa Plaza, 2<sup>nd</sup> floor

Oakland, CA 94612-2031

This is a statement of support for the TRUST Clinic's application for a Conditional Use Permit at 1404 Franklin Street. We wholeheartedly support this project, a health center for disabled people that would address their physical and social needs.

Our city cannot segregate poor and disabled people from the rest of the population. Whether we like it or not, needy people exist downtown and in other places they can only reach by bus or BART. The location of this program would be ideal in terms of giving people a place to go and a way to get there. It is what any of us would want for ourselves, our friends or family members, under the same circumstances.

As a business owner, I support the presence of Alameda County Public Health Department in our community. Its mission is to do good and improve the health and lives of all citizens. Their presence downtown is good for the community, businesses, residents and visitors alike.

We urge you to approve this worthy project.

Sincerely,

A handwritten signature in black ink, appearing to read "Cortt Dunlap". The signature is fluid and cursive, with a large loop at the end.

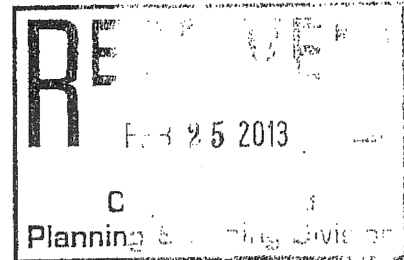
CORTT DUNLAP, MANAGER  
AWAKEN CAFE LLC



The Global Forum on MSM & HIV: Working worldwide against HIV for the health and human rights of men who have sex with men.

February 25, 2013

City of Oakland  
Department of Planning, Building and Neighborhood Preservation  
250 Frank H. Ogawa Plaza, 2<sup>nd</sup> Floor  
Oakland, CA 94612-2031



I am writing to support the TRUST Clinic's application for a Conditional Use Permit at 1404 Franklin Street. We, at the Global Forum on MSM & HIV, fully support this project, which will be crucial in addressing the needs of disabled and homeless people in Oakland.

Providing essential services, such as medical and mental health care, particularly to those most in need, is not only a measure of a city's "livability" status, and positively affects crime rates, health statistics, and sanitation standards, but is the right thing to do. Whether we like it or not, the poor, the unemployed, and the disabled exist in downtown Oakland. Addressing their health needs is a crucial step in getting them permanently housed.

We would be proud to call the TRUST Clinic our neighbor. We urge you to approve this project.

Sincerely,

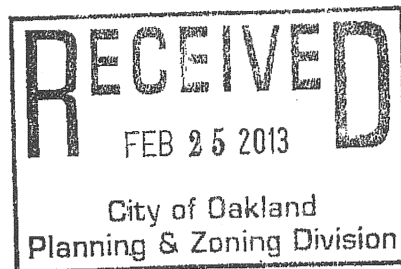
A handwritten signature in black ink, appearing to read "George Ayala".

George Ayala, Psy.D.  
Executive Officer

Global Forum on MSM & HIV

modern: (cof·fee)

411 13th street, downtown Oakland  
in the Tribune Tower / 510.835.8000  
inquiries@moderncoffeeoakland.com  
www.moderncoffeeoakland.com



February 22, 2013

City of Oakland

Planning Department

250 Frank H. Ogawa Plaza, Suite 3315

Oakland, CA 94612

I am writing to express support for the TRUST Clinic's application for a Conditional Use Permit at 1404 Franklin Street in downtown Oakland.

Opening a clinic for disabled people is the right thing to do and will benefit residents and businesses alike. Raising the quality of life in our city by making people healthier leads to a better environment in which to live and do business.

Our understanding is that the clinic will be run by employees of the Alameda Public Health Department and will include doctors, lawyers and administrative workers. This is a clientele that will contribute to local business interests by eating out, making purchases and otherwise infusing dollars into the local economy. County workers are professional people who will be visible throughout the downtown area.

The City of Oakland has much to gain and nothing to lose by allowing this clinic to operate. The property at 1404 Franklin has been vacant for a long time. Putting a new health facility here will brighten up the entire block along 14<sup>th</sup> Street. Please grant the request for a Conditional Use Permit.

Sincerely,

A handwritten signature in black ink, appearing to be "KS-MQ" or similar, written in a cursive, stylized font.

MODERN COFFEE  
411 13TH STREET

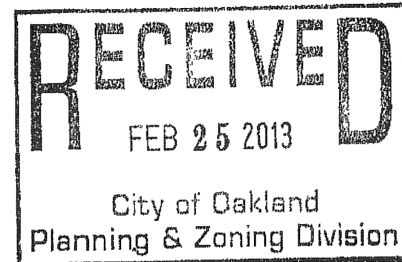


Berkeley Office  
3126 Shattuck Ave.  
Berkeley, CA 94705  
(510) 540-0878 tel  
(510) 540-0403 fax

Oakland Office  
1432 Franklin St.  
Oakland, CA 94612  
(510) 836-3260 tel  
(510) 836-7690 fax

February 22, 2013

City of Oakland  
Planning Department  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612



I am writing to express support for the TRUST Clinic's application for a Conditional Use Permit at 1404 Franklin Street in downtown Oakland.

As a non-profit law center serving low income Oakland residents, we see the TRUST Clinic's proposed location as crucial to serving the needs of Oakland's disabled citizens.

We have observed that mental health services for those living under the poverty line in Oakland are insufficient to serve the vast need. Those in poverty seeking help often experience obstacles to obtaining treatment.

To open a clinic at the proposed location would greatly increase access to much needed medical treatment for those in dire need in our city. Said location is best suited for serving disabled individuals throughout the city with its close proximity to public transportation and other social services in the downtown area.

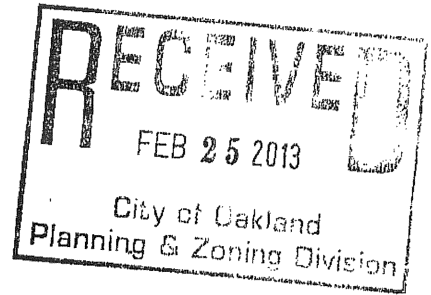
We ask you to consider the basic medical needs of Oakland's most vulnerable residents and approve the TRUST Clinic's permit request.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Levy".

Lauren Levy  
Staff Attorney and Oakland Resident

CAFÉ GABRIELA  
988 BROADWAY  
OAKLAND, CA, 94607



February 20, 2013

City of Oakland

Planning Department

250 Frank Ogawa Plaza, Suite 3315

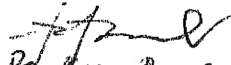
Oakland, CA 94612

We support the TRUST Clinic's application for a Conditional Use Permit at 1404 Franklin Street. As local business people we recognize the plight of disabled residents of Oakland. As neighbors of the Alameda County Public Health Department, we can attest to their many contributions to our local environment and economy. Many of them are our customers, we are familiar with the work they do, and are proud to lend our voice to the importance of community service efforts downtown.

Too many residents of Oakland live in poverty and are denied access to health care and other vital services. The TRUST Clinic is an example of social justice in action, something we support personally and in our business.

We urge you to grant this application so this important work can go forward. We are proud to have it located in downtown Oakland.

Sincerely,

  
Pauline Beldada  
988 Broadway  
Oakland Ca





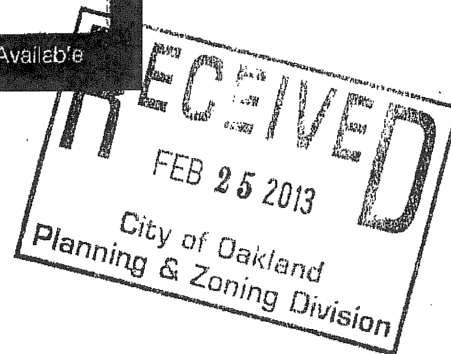
February 22, 2013

City of Oakland

Department of Planning, Building and Neighborhood Preservation

250 Frank H. Ogawa Plaza, 2<sup>nd</sup> floor

Oakland, Ca 94612-2031



I am writing to support the application of TRUST Clinic for a Conditional Use Permit at 1404 Franklin Street. As a downtown business owner, I consider this an important project to welcome into our area.

Downtown Oakland is recovering from a brutal recession and beginning to show signs of renewal. Nevertheless, many buildings remain vacant, that ought to be put to good use. This helps property owners and the community alike.

As well, we cannot close our eyes to the presence of disabled people walking along our streets and sidewalks, people who need help, people we care about and want to see doing better in their lives. It could only be a source of good to have the TRUST Clinic located downtown to offer aid and support.

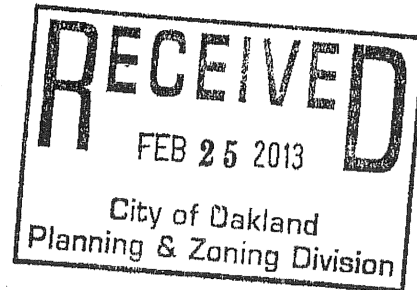
It is also my understanding that the clinic will be staffed by Alameda County employees. These are professional people who would be an asset to the local economy and neighborhood. Merchants and business owners would be happy to welcome members of the County workforce into downtown.

Please approve this application!

Sincerely,

*Theresa Vallee*  
owner

Ernie Lavorini, DDS  
Gloria Fong, DDS  
363 15<sup>th</sup> St.  
Oakland, CA 94612



TO: City of Oakland  
Planning Department  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

RE: Conditional Use Permit for 1404 Franklin St CU-12250

February 22, 2013

Dear City of Oakland Planning Department:

I am the owner of Lavorini Dental Care, located at 363-15<sup>th</sup> Street. I employ 21 staff persons and treat some 11,300 customers per year at our dental clinic. We have been a part of the downtown Oakland community for 36 years. Our dental clinic provides a great deal of *pro-bono* care to some of the neediest Oakland residents.

I am writing to you to urge you to grant a Conditional Use Permit to enable the operation of the TRUST Clinic at 386-14<sup>th</sup> Street. This clinic will provide much-needed medical, behavioral, health and housing assistance to some of our neediest disabled citizens in Oakland. We welcome this clinic in our downtown Oakland community.

**Having essential human services like medical and dental care in our downtown will only make our neighborhood – and economy - stronger and more vibrant.** The TRUST Clinic will serve many of the persons, who are disabled and low-income, that our dental practice already makes an effort to treat.

Additionally, the very goal of the TRUST Clinic will be to help lowest-income disabled persons get access to housing and income, for some persons, this means getting off the streets – this will directly help to strengthen our local economy and beautify the streets. We look forward to counting on the TRUST Clinic to help some of the needy persons that unfortunately we encounter on our streets.

Locating the Clinic will help downtown Oakland's image, and not be incompatible with businesses and restaurants.

Again, I urge you to grant the Conditional Use Permit for the new Clinic at 389-14<sup>th</sup> Street.

If you have any questions, please contact me at 444-4334.

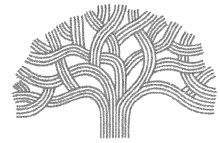
Sincerely

A handwritten signature in cursive script, appearing to read "Ernie Lavorini".

Ernie Lavorini DDS

# ATTACHMENT B

CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 238-3254

Sent via U.S. Mail

April 5, 2013

MWA Architects  
c/o Emmanuelle Anum  
471 Ninth Street  
Oakland, CA 94607

**RE: Case File No. CU12-250; 386-14<sup>th</sup> Street (APN: 008-0624-041-00)**

Dear Ms. Anum:

Your application, as described below, has been **DENIED** for the reasons stated in Attachment A, which contains the findings required to support this decision. This decision is effective ten (10) days after the date of this letter unless appealed as explained below.

The following table summarizes the proposed project:

<b>Proposal:</b>	To establish a Health Care Civic Activity (Medical Clinic) on the ground floor of an existing building.
<b>Planning Permits Required:</b>	Conditional Use Permit to establish a Health Care Civic Activity (Medical Clinic) on the ground floor of an existing building within the CBD-P zone.
<b>General Plan:</b>	Central Business District
<b>Zoning:</b>	CBD-P Central Business District Pedestrian Retail Commercial Zone
<b>Environmental Determination:</b>	Exempt, Section 15270 of the State CEQA Guidelines; disapproval of a project.
<b>Historic Status:</b>	Designated Historic Property (DHP); Survey Rating: B+1+
<b>Service Delivery District:</b>	Metro
<b>City Council District:</b>	3

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **4:00 pm on April 15, 2013**. 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 **Michael Bradley, Planner I**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$1,352.91** in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, 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 may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

A signed Notice of Exemption (NOE) is enclosed as Attachment B certifying that the project has been found to be exempt from CEQA review. It is your responsibility to record the NOE and the Environmental Declaration at the Alameda County Clerk's office at 1106 Madison Street, Oakland, CA 94612, at a cost of \$50.00 made payable to the Alameda County Clerk. Please bring the original NOE related documents and five copies to the Alameda County Clerk, and return one date stamped copy to the Zoning Division, to the attention of **Michael Bradley, Planner I**. Pursuant to Section 15062(d) of the CEQA Guidelines, recordation of the NOE starts a 35-day statute of limitations on court challenges to the approval under CEQA.

If you have any questions, please contact the case planner, **Michael Bradley, Planner I** at (510) 238-6935 or [mbradley@oaklandnet.com](mailto:mbradley@oaklandnet.com), however, this does not substitute for filing of an appeal as described above.

Very truly yours,



Scott Miller  
Zoning Manager

CC: Ray Derania, Building Services Division  
David Harlan, Supervising Civil Engineer, Building Services Division  
Bill Quesada, Inspection Services

New Oakland Pharmacy  
388-9<sup>th</sup> Street  
Oakland, CA 94607

Adams Mediterranean Grill & Café  
1442 Franklin Street  
Oakland, CA 94612

Awaken Café  
1429 Broadway  
Oakland, CA 94612

MSMGF  
c/o George Ayala, Psy. D.  
436 14<sup>th</sup> Street, Suite 1500  
Oakland, CA 94612

Modern Coffee  
411-13<sup>th</sup> Street  
Oakland, CA 94612

Homeless Action Center  
c/o Lauren Levy  
1432 Franklin Street  
Oakland, CA 94612

Café Gabriela  
988 Broadway  
Oakland, CA 94607

Brown Couch Café  
340-14<sup>th</sup> Street  
Oakland, CA 94612

Ernie Lavorini, DDS  
Gloria Fong, DDS  
363 – 15<sup>th</sup> Street  
Oakland, CA 94612

Public Interest Law Project  
449 – 15<sup>th</sup> Street Ste. 301  
Oakland, CA 94612

Attachments:

- A. Findings for Approval
- B. Notice of Exemption

## **ATTACHMENT A**

### **FINDINGS FOR APPROVAL:**

The applicant proposes to establish a Health Care Civic Activity (Medical Clinic) within an existing building located at 386 14<sup>th</sup> Street. The proposed project is located within the CBD-P Central Business District Pedestrian Retail Commercial Zone ("CBD-P zone"). The intent of the CBD-P zone is to create, maintain, and enhance areas of the Central Business District for ground-level, pedestrian-oriented, active storefront uses. The CBD-P zone was created to maintain and enhance areas of ground level, pedestrian-oriented, retail stores in the downtown area. 14<sup>th</sup> St in particular is envisioned to serve as the predominant pedestrian connection between Lake Merritt and the downtown area.

Pursuant to OMC Section 17.58.040, Health Care Civic Activities are permitted in the CBD-P zone, subject to Limitations L4 and L5. Although Limitation L4 does not apply because the subject parcel faces 14<sup>th</sup> Street, Limitation L5 does apply. Limitation L5 provides that, if the activity is located both on the ground floor of a building and within 30 feet from any street-abutting property line, such activity is only permitted upon the granting of a conditional use permit; in addition, the ground floor proposal must also meet three (3) additional criteria described in OMC Section 17.58.040.

The proposed project does not meet the findings required under the General Use Permit Criteria (OMC Section 17.134.050) or the additional findings required under the CBD-P zone regulations (OMC Section 17.58.40) (L5), as set forth below. Required findings are shown in **bold** type; reasons your proposal either meets or fails to meet each finding is shown in normal type.

**17.134.050 - General Use Permit Criteria.** Except as different criteria are prescribed elsewhere in the zoning regulations, a conditional use permit shall be granted only if the proposal conforms to all of the following general use permit criteria, as well as to any and all other applicable use permit criteria:

- A. That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development;

The proposed project is a request for a Conditional Use Permit to establish a Health Care Civic Activity (Medical Clinic) that will occupy 7,614 square feet on the ground floor and 3,608 square feet on the second floor of an existing building in the CBD-P zone. The proposed project consists primarily of interior tenant improvements; it does not increase the floor area of the building or require exterior alterations, aside from signage.

The surrounding neighborhood consists of a variety of restaurants and retail establishments. The operating characteristics of a ground floor medical facility would disrupt the surrounding developments and businesses because it does not contribute to the creation of ground floor retail and pedestrian shopping. Such activities need to cluster together in order to ensure that a healthy density of foot traffic is attracted to a specific location. The zoning was written to discourage and allow prohibition of ground floor office and medical activities on the ground floor as those are generally not indicative of high pedestrian usage and are therefore do not help draw retail shoppers to the area. Currently, the ground floor of the existing building includes an active storefront presence, as it accommodates four retail businesses, each with its own separate storefront. These storefronts are part of a vital and vibrant retail node that provides service, restaurant and shopping opportunities for employees, residents and visitors. Approval of the Health Care Civic Activity (Medical Clinic) would have an adverse effect on desirable neighborhood character by eliminating these four continuous retail ground level storefronts on 14<sup>th</sup> Street, which are typically businesses that contribute to active, pedestrian-oriented ground floor uses. As a result, this finding cannot be satisfied.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant;**

The proposed Health Care Civic activity in the CBD-P zone will detract from the functional living, working, shopping and civic environment of the surrounding neighborhood because such an activity does not typically draw in pedestrian traffic looking for an active shopping and dining experience. In addition, the proposal would eliminate four long standing existing retail and restaurant establishments that currently exist along 14<sup>th</sup> Street. High quality retail storefronts should be preserved for active ground floor retail and restaurant uses, which contribute to the important retail and commercial characteristics of this area. The proposal does not meet this finding.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region;**

The proposal would provide an essential service to the community by establishing a health clinic on the site. However, such use should be located on a 2<sup>nd</sup> (or higher) floor to avoid the adverse impacts identified in other findings. The Planning Code requires all of the General Use Permit findings to be met in order to approve a CUP.

- D. That the proposal conforms to all applicable regular design review criteria set forth in the regular design review procedure at Section 17.136.050;**

No design review is required because the proposal does not involve any exterior alterations.

- E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable guidelines or criteria, district plan or**

**development control map which has been adopted by the Planning Commission or City Council.**

The established intent for the CBD-P classification is the enhancement of the downtown area as a high density mixed use urban center of regional importance with an emphasis on ground floor retail, restaurants, and entertainment uses. Policy D3.1 of the City of Oakland General Plan Land Use and Transportation Element (L.U.T.E.) Promoting Pedestrians, states that pedestrian-friendly commercial areas should be promoted. Policy D5.1 of the LUTE, Encouraging Twenty-Four Hour Activity, states: activities and amenities that encourage pedestrian traffic during the work week, as well as evenings and weekends should be promoted. The proposal for a ground floor Health Care Civic Activity (Medical Clinic) at this location does not create, maintain, or enhance such ground-level, pedestrian-oriented, active storefront uses and therefore does not conform to the Central Business District General Plan guidelines or zoning criteria.

**CBD-P Central Business District Pedestrian Retail Commercial Zone 17.58.40 (L5)**

**Additional CUP findings:**

**If located both on the ground floor of a building and within thirty (30) feet from any street-abutting property line, these activities are only permitted upon the granting of a conditional use permit (see Chapter 17.134 for the CUP procedure). Incidental pedestrian entrances that lead to one of these activities elsewhere in the building are exempted from this conditional use permit requirement. In addition to the criteria contained in Section 17.134.050, these conditionally permitted ground floor proposals must also meet each of the following criteria:**

**a. The proposal will not impair a generally continuous wall of building facades;**

Although the proposal does not involve extensive exterior alterations, the current design and layout of the building are excellent for either retail or restaurant activities based on the architecture and ceiling heights. The proposal would eliminate long standing existing retail and restaurant establishments that currently exist along 14<sup>th</sup> Street. With the elimination of the retail and restaurant establishments, storefront doors and glazing along with decorative awnings would be eliminated thus changing the existing retail design of the four commercial spaces. The proposal does not meet this finding.

**b. The proposal will not weaken the concentration and continuity of retail facilities at ground-level, and will not impair the retention or creation of an important shopping frontage; and**

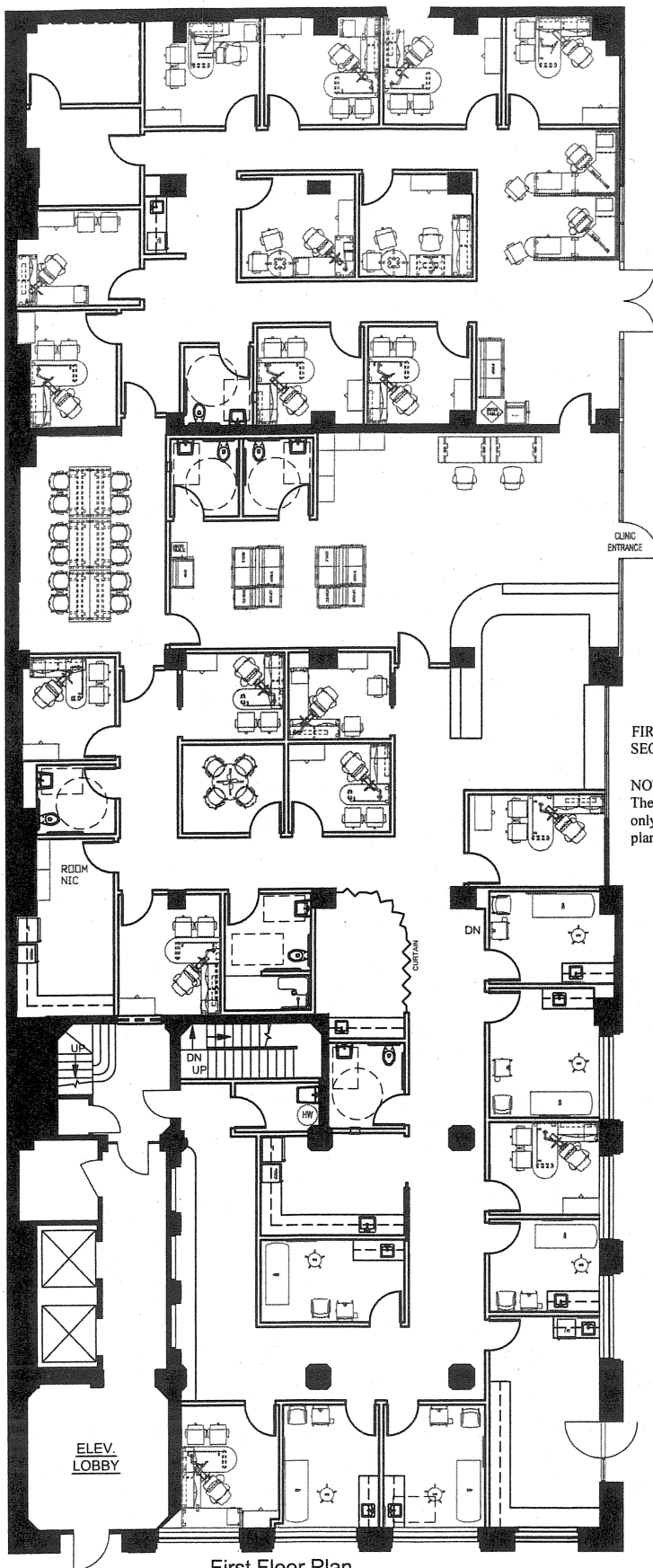
The proposal would eliminate four long standing existing retail and restaurant establishments that currently exist along 14<sup>th</sup> Street, which weakens the concentration and continuity of retail facilities at ground level. The proposal impairs both the retention of existing businesses and the creation of an important shopping frontage. The proposal does not meet this finding.



**c. The proposal will not interfere with the movement of people along an important pedestrian street.**

The proposal will not necessarily interfere with the movement of people along an important pedestrian street. However, such a medical service use at ground level will not contribute to the necessary intensity of ground floor pedestrian activity and interest.

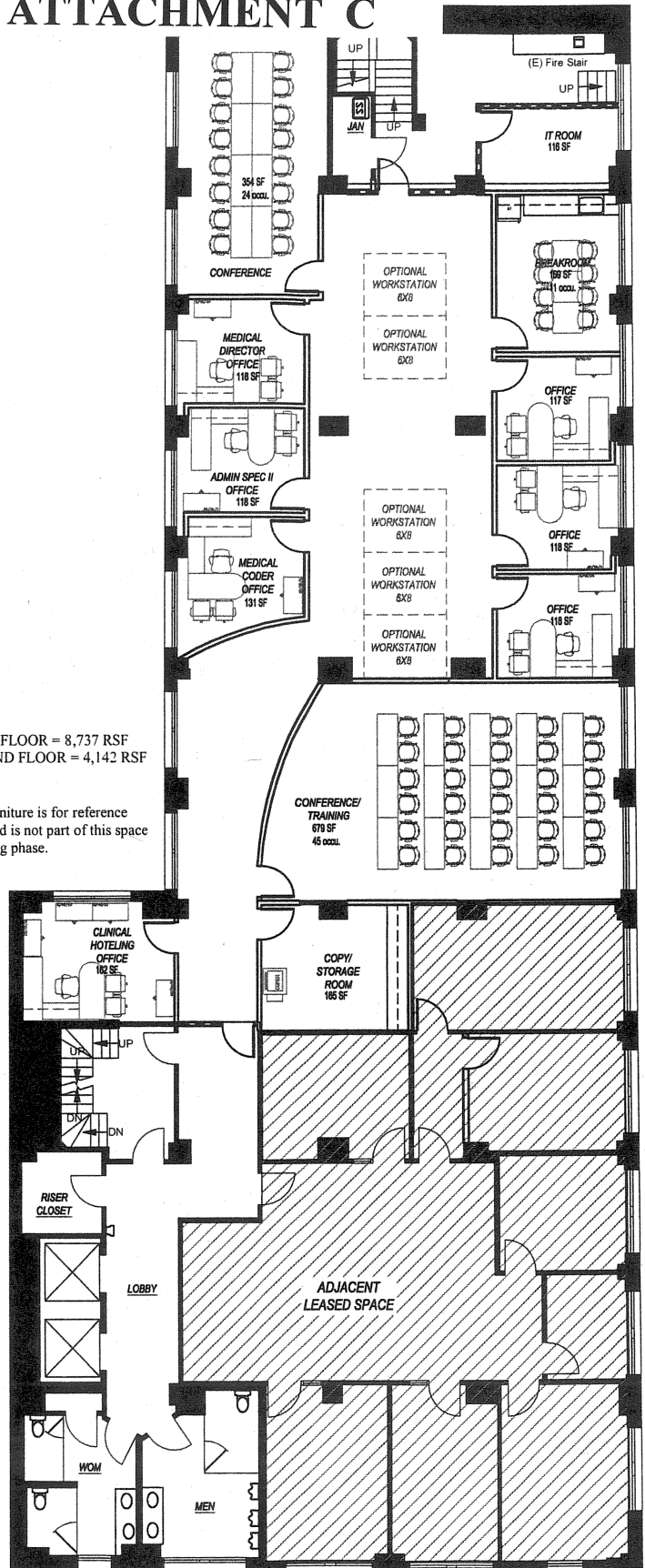
# ATTACHMENT C



First Floor Plan

FIRST FLOOR = 8,737 RSF  
SECOND FLOOR = 4,142 RSF

NOTE:  
The furniture is for reference  
only and is not part of this space  
planning phase.



Second Floor Plan

Alameda County Healthcare Service Agency  
386 14th Street  
Oakland, CA

## TRUST Clinic Space Plan

10/30/2012  
Scale: 1/16" = 1'-0"

MWA  
Architects



471 9th Street  
Oakland, CA 94607  
tel: (510) 287-9710  
fax: (510) 287-9713

ACCEPTED BY:

Signature

Date

Print Name