



Oakland City Planning Commission

AGENDA

Chris Pattillo, Chair
Jonelyn Whales, Vice-Chair
Jahaziel Bonilla
Michael Coleman
Jim Moore
Adhi Nagraj
Emily Weinstein

October 16, 2013
Regular Meeting

MEAL GATHERING **5:15 P.M.**

Saigon Restaurant, 326 Frank 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

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director's Report, should fill out a speaker card and give it to the Secretary "*Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda*". Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes.

The order of items will be determined under "Agenda Discussion" at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after **10:15 p.m.**, and the meeting will adjourn no later than **10:30 p.m.** unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

Please check with the Department prior to the meeting regarding items that may be continued. Any agenda item may be continued, without the hearing on the matter being opened or public testimony taken, at the discretion of the Chair. Persons wishing to address the continued item may do so under Open Forum.

Staff reports for items listed on this agenda will be available by 3:00 p.m. the Friday before the meeting, to any interested party, at the Planning and Zoning Division, 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.

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Community and Economic Development Agency, Planning and Zoning Division, at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the *Planning Department at 510-238-3941* or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.



**New web-site staff report
download instructions**

Staff reports are also available on-line, by 3:00 p.m. the Friday before the meeting, at www.oaklandnet.com. Select the "Government" tab, scroll down and click on "Planning & Zoning" click on "visit the Boards and Commissions page" 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 Zoning Division, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure Section 1094.6, unless a shorter period applies.

Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.

While attending Planning Commission Meetings, parking in the Clay Street Garage is free. Attendees should see staff at the meeting for validation of parking tokens.

Applicants or members of the public that plan power point presentations: Please contact Cheryl Dunaway at cdunaway@oaklandnet.com or 510-238-2912 or Gwen Brown at gbrown@oaklandnet.com or 510-238-6194 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, 25 copies of all material should be submitted. Material submitted at least ten days prior to the meeting may be included as part of the agenda packet; material submitted later will be distributed at or prior to the meeting. To ensure that material is distributed to Commissioners, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time 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. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

CONSENT CALENDAR

The Commission will take a single roll call vote on all of the items listed below in this section. The vote will be on approval of the staff report in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

PUBLIC HEARINGS

The hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division at, or prior to, the public hearing.

The Commission will then vote on the matter based on the staff report and recommendation. If the Commission does not follow the staff recommendation and no alternate findings have been prepared, then the vote on the matter will be considered a "straw" vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

If you wish to be notified on the decision of an agenda item, please indicate the case number and submit a self-addressed stamped envelope, for each case.

Planning Commission decisions that involve "major" cases (i.e., major variances, major conditional use permits) are usually appealable to the City Council. 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 Zoning Division, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so will preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City 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.



1.

Location:	2321 Broadway (APN: 008 -0739-006-00)
Proposal:	To establish a full service restaurant with on-site beer brewing, on-site beer consumption, and off-sale of beer (to-go).
Applicant /	Artisan Brewers
Phone Number:	(510) 568-2739
Owner:	Hive Development Group
Case File Number:	CMV13249
Planning Permits Required:	Major Conditional Use Permit with additional findings for Alcoholic Beverage Sales Commercial Activity; Variance for off-sale of alcoholic beverages within 1,000 feet of an alcohol outlet; Findings of Public Convenience or Necessity for a new alcohol outlet in an over-concentrated area (ie, ABC licenses in the census tract and reported crimes in the police beat)
General Plan:	Community Commercial
Zoning:	CC-2 Community Commercial Zone/ D-BR Downtown Broadway Retail Frontage Interim Combining Zone
Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
Historic Status:	Survey rating: Ec3
Service Delivery District:	Metro
City Council District:	2
Date Filed:	August 28, 2013
Finality of Decision:	Appealable to City Council within 10 days
For Further Information:	Contact case planner Aubrey Rose AICP, Planner II at (510) 238-2071 or arose@oaklandnet.com

2.

Location:	The Broadway Valdez District Specific Plan Area ("Plan Area") is located at the north edge of Oakland's Central Business District. The Plan Area, which includes land along both sides of Broadway, extends 0.8 miles from Grand Avenue to I-580. The Plan Area includes approximately 95.5 acres, including 35.1 acres in public right-of-way and 60.4 acres of developable land.
Proposal:	Conduct a public hearing and solicit /provide comments on the Draft Environmental Impact Report (DEIR) of the Draft Broadway Valdez District Specific Plan, the Specific Plan and the associated General Plan and Planning Code amendments (text and map changes) along with Design Guidelines (Related Documents).
Applicant:	City of Oakland
Case File Number:	ZS12046, ER120005, GP13268, ZT13269, RZ13270
General Plan:	Central Business District, Community Commercial, Neighborhood Center Commercial, Urban Residential, Mixed Housing Type Residential, Institutional
Zoning:	CBD-P, CBD-C, CC-2, CC-2/D-BR, CN-2/D-BR, RU-3/D-BR, RU-4/D-BR, RM-3/D-BR, RM-4/D-BR

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Environmental Determination:	An Environmental Impact Report (EIR) is being prepared for the Broadway Valdez District Specific Plan. The DEIR was published for a 45 day public review period from September 20, 2013, to November 4, 2013.
Historic Status:	The Plan Area includes cultural/historic resources that include CEQA Historic Resources and may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register); as well as several cultural/historic resources designated by the City of Oakland as Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, or D; and Landmark properties.
Service Delivery District:	2
City Council District:	3
Status:	The DEIR was released on September 20, 2013, and the public comment period on the DEIR, Specific Plan and Related Documents ends on November 4, 2013.
Action to be Taken:	Receive public and Planning Commission comments on the DEIR and Related Documents. No decisions will be made on the project at this hearing.
Finality of Decision:	N/A
For Further Information:	Contact project planner Laura Kaminski at 510-238-6809 or lkaminski@oaklandnet.com Project website: www.oaklandnet.com/bvdsp

APPEALS

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following testimony, the Commission will vote on the report prepared by staff. If the Commission reverses/overturns the staff decision and no alternate findings have been prepared, then the vote on the matter will be considered a "straw" vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings and, as applicable, conditions of approval that the Commission will consider in making a final decision.

Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

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| 3. | Location: | 1901 Broadway (APN: 008-0639-004-00) |
| | Proposal: | Appeal of the administrative decision to deny an application to legalize a 4,700 square foot medical clinic on the ground floor of an existing commercial building. |
| | Applicant: | Dr. Michael Caplan, NorCal Health Services (707)354-3535 |
| | Property Owner: | Fruitvale Investments, LLC |
| | Case File Number | CU12238, A13214 |

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Planning Permits Required: Minor Conditional Use Permit to establish a Health Care Commercial Activity on the ground floor of an existing building within the CBD-P zone.

General Plan: Central Business District

Zoning: CBD-P Central Business District Pedestrian Retail Commercial Zone

Environmental Determination: Exempt, Section 15270 of the State CEQA Guidelines; disapproval of a project.

Historic Status: PDHP, API contributor, major importance; Survey rating; Survey Rating: B*1+

Service Delivery District: Metro

City Council District: 3

Action to be Taken: Decision on appeal

Appeal: Final Decision

For Further Information: Contact case planner Neil Gray at 510-238-3878 or ngray@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes September 11, and September 25, 2013

Correspondence

City Council Actions

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

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT MEETING: November 6, 2013