



*Doug Boxer, Chair  
Michael Colbruno, Vice Chair  
Paul Garrison  
Suzie W. Lee  
Michael Lighty  
Anne Mudge  
Madeleine Zayas-Mart*

**September 19, 2007**  
**Regular Meeting**

**MEAL GATHERING**

**5:30 P.M.**

**Hearing Room 4, City Hall, 1 Frank H. Ogawa Plaza, Oakland.** Open to the public. (Members of the public may bring their own meal if desired. Consumption of food is not required to attend.)

**BUSINESS MEETING**

**6:00 P.M.**

**Hearing Room One, 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 Planning 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 Community and Economic Development Agency, Planning and Zoning Division, 250 Frank

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



H. Ogawa Plaza, Oakland, California 94612. **Reports are available at the Strategic Planning Division on the 3<sup>rd</sup> floor (Suite 3315), which closes at 5:00 p.m.**

**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](http://www.oaklandnet.com) by searching "Frequently Visited Pages" located on the City of Oakland Homepage. Clicking on "Planning Commission Meetings" will open a menu of Planning Commission and Committee Agendas. Staff reports are available on the selected agenda by clicking on the highlighted case file number. 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, Community and Economic Development Agency, 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.

While attending Planning Commission Meetings, parking in the Clay Street Garage is free. Attendees should write "Planning Commission" on the back of the parking ticket.

***ROLL CALL***

***WELCOME BY THE CHAIR***

***COMMISSION BUSINESS***

**Agenda Discussion**

**Director's Report**

- A. Informational Report on Sustainable Practices and Green Building in Oakland
- B. Informational Report on Oakland Citywide Retail Strategy

**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, Community and Economic Development Agency, 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. Such appeals 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 of the Community and Economic Development Agency, 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.

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.



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, it should be received by the Commission.

<b>1.</b>	<b>Location:</b>	<b>6218 La Salle Ave. (APN# 048F-7354-019-01)</b>
	<b>Proposal:</b>	Major Conditional Use Permit for the addition of off sales of alcoholic beverage at a new wine and cheese store.
	<b>Applicant:</b>	Farmstead Cheeses & Wines
	<b>Contact Person/Phone Number:</b>	Jeff Diamond
	<b>Owner:</b>	Evans Property Co.
	<b>Case File Number:</b>	<b>REV 07-021</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permit
	<b>General Plan:</b>	Neighborhood Center
	<b>Zoning:</b>	C-27
	<b>Environmental Determination:</b>	Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
	<b>Historic Status:</b>	Non Historic Property (NHP)
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	4
	<b>Status:</b>	Approve application with attached conditions.
	<b>Action to be Taken:</b>	<b>Pending</b>
	<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
	<b>For Further Information:</b>	Contact case planner <b>Jacob Graef</b> at <b>(510) 777-8672</b> or by email at <b>jgraef@oaklandnet.com</b> .

<b>2.</b>	<b>Location:</b>	<b>4619 Coliseum Way (APN: 034-2295-012-01) (6/5/07)</b>
	<b>Proposal:</b>	To allow a new propane station featuring a 1,000-gallon liquid natural gas tank as well as a pre-fabricated sales office building to be located at a vacant site within an industrial district.
	<b>Applicant:</b>	Maxwell Beaumont
	<b>Contact Person/Phone Number:</b>	James Walton (510)773-4377
	<b>Owner:</b>	Enrique Barraza
	<b>Case File Number:</b>	<b>CM 07-251</b>
	<b>Planning Permits Required:</b>	Major Conditional Use Permit to allow a Heavy Manufacturing Activity in the City of Oakland within a M-40 Heavy Industrial Zone (OMC Sections 17.10.580(F), 17.72.040(C), 17.134.020(A)(2)(a)(ix))
	<b>General Plan:</b>	Business Mix
	<b>Zoning:</b>	M-40 Heavy Industrial Zone

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**Environmental Determination:** Exempt, Section 15301(c) of the State CEQA Guidelines:  
New Construction of Small Structures (office)  
Exempt, Section 15183 of the State CEQA Guidelines:  
Projects consistent with a community plan, general plan or zoning

**Historic Status:** Not a Potential Designated Historic Property  
Survey Rating: \*3

**Service Delivery District:** 5

**City Council District:** 5

**For further information:** Contact case planner **Aubrey Rose** at (510) 238-2071 or [arose@oaklandnet.com](mailto:arose@oaklandnet.com)

**3. Location:** **3612 Webster Street (APN 012-0941-001-00) (7/9/07)**

**Proposal:** To establish a teen center at Mosswood Park

**Applicant:** City of Oakland—Deborah Spaulding

**Owners:** City of Oakland

**Contact Person/Phone Number:** Deborah Spaulding  
(510) 238-3926

**Case File Number:** **CU07-287**

**Planning Permits Required:** Major Conditional Use Permit and Small Project Design Review to allow installation of a teen center and enclosure of a covered patio in a one-story masonry building; removing concrete deck and horseshoe pits to be replaced with hedges, raised planter beds, irrigated community gardens on on approximately 1/6 acre of 12 acre Mosswood Park, Webster Street near MacArthur; over 150 feet from landmark Moss House

**General Plan:** UOS Urban Open Space

**Zoning:** OS-CP Open Space-Community Park District

**Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines; Modification of of Existing Facilities, Section 15183, Projects consistent with a general plan, community plan, or zoning

**Historic Status:** PDHP building at park, No alteration of historic resources for project

**Service Delivery District:** 2

**City Council District:** CD3

**For further information:** Contact case planner **David Valeska**, at (510) 238-2075 or [dvaleska@oaklandnet.com](mailto:dvaleska@oaklandnet.com)



<b>4.</b>	<b>Location:</b>	<b>1901 Harrison Street</b>
	<b>Assessors Parcel Numbers:</b>	<b>(APN 008-0636-011-01)</b>
	<b>Proposal:</b>	Variance and Design Review to install rooftop signs on existing office tower near Snow Park
	<b>Applicant:</b>	C. Quigley & J. Kleinschmidt, Wachovia Bank
	<b>Owner:</b>	Prentiss Properties Acquisition Partners LP
	<b>Planning Permits Required:</b>	DV07-354, Variance and Regular Design Review for installation of approximately 1,730 square feet of rooftop signs (divided into one 432 square foot sign on each of four building facades), where 150 square feet would be allowed by Oakland Zoning Code Section 17.104.020.B.1, exceeding this maximum by 1,580 square feet and 1,600 square feet for the building as a whole, including ground floor signs; rooftop signs to be located up to approximately 230 feet above the street, with internally lit blue and green letters and logo approximately 5 to 7 feet high, at 19 <sup>th</sup> and Harrison adjacent to Snow Park; to be reviewed in context of policy direction on rooftop signs
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	C-55 Central Core Commercial, S-4 Design Review Combining, S-17 Downtown Residential Open Space Combining
	<b>Environmental Determination:</b>	Exempt, Section 15303 of State CEQA Guidelines; minor new facilities; and Section 15183, Projects consistent with a community plan, general plan or zoning
	<b>Historic Status:</b>	Not PDHP
	<b>Service Delivery District:</b>	Metro
	<b>City Council District:</b>	3
	<b>Date Filed:</b>	August 6, 2007
	<b>Status:</b>	Complete
	<b>Action to be Taken:</b>	Variance Design Review approval
	<b>Staff Recommendation:</b>	Partial Approve with Conditions (Reduced number of signs)
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner, David Valeska at (510) 238-2075.



<b>5.</b>	<b>Location:</b>	<b>466 37<sup>th</sup> Street</b>
	<b>Assessors Parcel Number:</b>	<b>APN 012-0945-015-00</b>
	<b>Proposal:</b>	Create separate ownership opportunities for eight existing dwelling units. Condominium conversion rights are being generated from 3015 Martin Luther King Jr. Way and 2730-2742 Myrtle Street.
	<b>Contact Person:</b>	Katherine Bettis-Sommers
	<b>Contact Phone Number:</b>	(510) 485-4924
	<b>Owner:</b>	Mosswood Builders, LLC
	<b>Case File Number(s):</b>	<b>TTM7877</b>
	<b>Planning Permits Required:</b>	Tentative Tract Map for a condominium conversion involving 5 or more existing units.
	<b>General Plan:</b>	Mixed Housing Residential, Neighborhood Center
	<b>Zoning:</b>	R-70, High Density Residential Zone
	<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines; Existing Facilities Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	<b>Historic Status:</b>	Not a Potentially Designated Historic Property Survey Rating F2-
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	3
	<b>Action to be Taken:</b>	Consider approval of Tentative Tract Map.
	<b>Finality of Decision:</b>	Appealable to the City Council
	<b>For further information:</b>	Contact case planner <b>Ulla-Britt Jonsson</b> at <b>510-238-3322</b> or by email at <a href="mailto:ujonsson@oaklandnet.com">ujonsson@oaklandnet.com</a>

**NOTE: Items 6 and 7 will not be heard before 8:00 pm.**

<b>6.</b>	<b>Location:</b>	<b>928-998 66<sup>th</sup> Avenue and 801-931 69<sup>th</sup> Avenue (Lion Creek Crossing), park site</b>
	<b>Proposal:</b>	Major Conditional Use Permit for design of Lion Creek Crossing Park.
	<b>Applicant(s):</b>	Oakland Coliseum Housing Partners, on behalf of the Oakland Housing Authority, the East Bay Asian Local Development Corporation (EBALDC) in partnership with the Related Companies of California; Environmental Services Division, Public Works Agency, City of Oakland.
	<b>Owner(s):</b>	City of Oakland
	<b>Case File Number(s):</b>	<b>GP03636, RZ03637 (related to PUD03638, PUDF03639, PUDF05104, TTM 7488)</b>

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**Planning Permits Required:** Major Conditional Use Permit for park design  
**General Plan:** Park and Urban Open Space  
**Zoning:** OS Open Space  
**Environmental Determination:** A Mitigated Negative Declaration and a Finding of No Significant Impact for the Coliseum Gardens Master Plan was certified on June 4, 2003.  
**Historic Status:** C and D ratings-OCHS  
**Service Delivery District:** V, Central East Oakland  
**City Council District:** 6 and 7  
**Status:** Phase I housing complete; Phases II and III under construction  
**Action to be Taken:** Consider approval of Major Conditional Use Permit.  
**Finality of Decision:** Appealable to City Council  
**For further information:** Contact case planner Catherine Payne at (510) 238-6168 or by email at [cpayne@oaklandnet.com](mailto:cpayne@oaklandnet.com)

7. **Location:** **4311 – 4317 Macarthur Boulevard**  
**Assessors Parcel Number:** (APN: 030 -1982-121 through 123)  
**Proposal:** To construct a mixed use senior housing development containing 115 apartments and approximately 3,124 of ground level commercial space. *NOTE: This project was continued by the Planning Commission at the February 28, 2007 hearing with no action after receiving public testimony.*  
**Applicant:** AMG Associates  
**Contact Person / Phone Number:** Kristen Weirick (818)380-2600  
**Owners:** Hahn Development/Hahn & Kang Equity (510)688-8350  
**Planning Permits Required:** Major Interim Conditional Use Permit for a project that exceeds the density allowed by the zoning but is consistent with the General Plan; Minor Conditional Use Permit for ground level parking in the C-31 zone, Minor Conditional Use Permit to reduce the required amount of parking as per section 17.116.110 of the O.P.C., Minor Variance for general building height for a structure varying between 47' and 60' tall ; Minor Variance for height of building adjacent to R-50 Zone; and Design Review.  
**General Plan:** Neighborhood Center Mixed Use  
**Zoning:** C-30 District Thoroughfare Commercial Zone  
S-4 Design Review Combining Zone  
C-31 Special Retail Commercial Zone  
**Environmental Determination:** Infill Exemption; CEQA Guidelines Section 15332  
**Historic Status:** No Historic Record – vacant lots  
**Service Delivery District:** 4  
**City Council district:** 4  
**Date Filed:** August 14, 2006  
**Staff Recommendation:** Decision based on staff report  
**Finality of Decision:** Appealable to City Council within 10 days  
**For further information:** Contact case planner **Robert D. Merkamp** at 510 238-6283 or by e-mail at [rmerkamp@oaklandnet.com](mailto:rmerkamp@oaklandnet.com)





***APPEALS***

The Commission will take testimony on each appeal. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the 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.

***(There are no appeals on this agenda)***

***COMMISSION BUSINESS***

**Approval of Minutes:** September 5, 2007

**Correspondence**

**City Council Actions**

***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.

**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 REGULAR MEETING:*** October 3, 2007