



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

July 20, 2016
Regular Meeting

***Revised on July 8, 2016 (Please see end of agenda)**

MEAL GATHERING 5:15 P.M.

Saigon Restaurant, 326 Frank H. Ogawa Plaza, Oakland

Open to the public. (Members of the public may purchase their own meals if desired. Consumption of food is not required to attend.)

BUSINESS MEETING 6:00 P.M.

Council Chambers, City Hall, One Frank H. Ogawa Plaza, Oakland

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

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

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

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

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

El lugar de la reunión es accesible en silla de ruedas. Para solicitar materiales en formatos alternativos o solicitar un intérprete de lenguaje de señas o un aparato para escuchar, por favor llame al Departamento de Planificación y Construcción al 510-238-3941 o TDD 510-238-3254 al menos tres días hábiles antes de la reunión. Por favor absténgase de usar perfumes en esta reunión para que las personas sensitivas a perfume puedan asistir.

此會議場地有適合輪椅出入設施。如需要其他格式的會議資料，或ASL手語服務，或助聽器，請於會議至少三(3)天以前聯絡規劃及建設局，以便安排服務，電話510-238-3941或TDD 510-238-3254

。請勿塗搽香氛產品，參加者可能對化學成分敏感。多謝。



New online staff report
download instructions

Staff reports for items listed on this agenda will generally be available by 3:00 p.m. the Friday before the meeting, to any interested party, at the Planning and Building Department, 250 Frank H. Ogawa Plaza, Oakland, California 94612. Reports are also available at the Strategic Planning Division on the 3rd floor (Suite 3315), which closes at 5:00 p.m.

Staff reports are also available online, generally by 3:00 p.m. the Friday before the meeting, at www.oaklandnet.com/planning (under "Planning Commission.") You will need to ensure that your computer will accept pop-ups from the host site (oaklandnet.com) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please call **510-238-3941**.

If you challenge a Commission decision in court, you will be limited to issues raised at the hearing or in correspondence delivered to the Planning and Building Department, at, or prior to, the hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure Section 1094.6, unless a shorter period applies.

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

While attending Planning Commission meetings, parking in the Clay Street Garage (located at Clay Street and 14th Street) is free. Attendees should see staff at the meeting to validate parking tokens.

Applicants or members of the public that plan to make electronic presentations (e.g., PowerPoint presentations): Please contact Cheryl Dunaway at cdunaway@oaklandnet.com or 510-238-2912 at least 48 hours prior to the meeting.

Interested parties are encouraged to submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item. To allow for distribution to the Commission, staff, and the public, twenty-five (25) copies of all material should be submitted. Material submitted at least ten days prior to the meeting may be included as part of the agenda packet; material submitted later may be distributed at or prior to the meeting. To ensure that material submitted at the meeting is distributed to Commissioners, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time the item is scheduled to be considered by the Commission.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

Committee Reports

Commission Matters

City Attorney's Report



OPEN FORUM

At this time members of the public may speak on any item of interest within the Commission’s jurisdiction. At the discretion of the Chair, speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

CONSENT CALENDAR

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

1.	Location:	1991 Mountain Blvd. –Rite Aid Pharmacy- (See map on reverse)
	Assessor’s Parcel Numbers:	(048F-7359-011-02)
	Proposal:	“Rite Aid Pharmacy” requests a Type 21 Alcohol Beverage Sales License for the addition of off-sale Alcohol Beverage Sales.
	Applicant:	Thrifty Payless Inc. DBA Rite Aid #5952
	Contact Person/Phone number:	Jason Overman (510) 735-8193
	Owner:	G.A. Sturtevant No.1 Inc.
	Case File Number:	PLN16125
	Planning Permits Required:	Major Conditional Use Permit to allow an Alcoholic Beverage Sales Commercial Activity with Findings of Public Convenience or Necessity (Sec. 17.103.030 (B) (2) & (3); Additional Conditional Use Permit Findings for Activities in CN zones (Sec. 17.33.01(L4) & 17.33.030).
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-1 Neighborhood Center Mixed Use 1 Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities (operation); Exempt, Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
	Historic Status:	Not A Potentially Designated Historic Property (DHP); Survey rating:
	Service Delivery District:	2
	City Council District:	4
	Date Filed:	04/29/16
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com



2. **Location:** 1544 Broadway (APN: 008-0622-007-00)
Proposal: To establish an Alcoholic Beverage Sales Activity within an existing group assembly event space.
Applicant: Amato Architecture for San Francisco Planning and Urban Research Association (“SPUR”).
Contact Person/Phone Number: Rebecca Amato (510) 420-0210x101
Owner: 1542 LLC, Ben Weinstein
Case File Number: **PLN16084**
Planning Permits Required: Major Conditional Use Permit to allow an Alcoholic Beverage Sales Activity in the CBD-P Central Business District Pedestrian Retail Commercial Zone.
General Plan: Central Business District
Zoning: CBD-P Central Business District Pedestrian Retail Commercial Zone.
Environmental Determination: 15301 of the State CEQA Guidelines; minor alterations to an existing facility. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status: Potential Designated Historic Property; Survey Rating: Ec3
Service Delivery District: Metro
City Council District: 3
Status: Pending
Action to be Taken: Decision of Application
Finality of Decision: *Appealable to City Council within 10 days*
For Further Information: Contact case planner **Michael Bradley** at (510) 238-6935 or by email: mbradley@oaklandnet.com

3. **Project Name:** 8th Street Housing
Location: 1502 8th Street (APN 004-0093-010-00)
Proposal: Allow construction of three dwellings adjacent to existing duplex and division of site into two parcels, “Minor Variance, to reduce 5 foot side yards.
Contact Person/Phone Number: Chris Porto (925) 209-4030
Owner: Bright Homes LLC
Case File Number: **PLN16-114**
Planning Permits Required: Major Conditional Use Permit for three or more residences in the RM-2 Zone; Minor CUP for 5 bedrooms each in two dwellings; Regular Design Review to construct 3 residential structures; Tentative Parcel Map No. 104652 to Create 2 Residential parcels and create 3 condominium ownerships in new buildings on one of the parcels; on 11,874 square feet of land in West Oakland.
General Plan: Mixed Housing Type Residential
Zoning: RM-2 Mixed Housing Type Residential Zoning District
Environmental Determination: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303, new small structures, 15183 projects consistent with adopted plans
Historic Status: Potential Designated Historic Property
Service Delivery District: SDS-1
City Council District: 1
Commission Action to Be Taken: Approve Staff Recommendation
Appeal: To City Council
For Further Information: **David Valeska** at (510) 238-2075, dvalueska@oaklandnet.com



PUBLIC HEARINGS

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

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

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

Planning Commission decisions that involve "major" cases (e.g., major variances, major conditional use permits) are usually appealable to the City Council. If any interested party seeks to challenge such decision in court, an appeal **must be filed** within ten (10) calendar days of the date of the announcement of the Planning Commission decision and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Building Department, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the case planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment of the required fee in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so will preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Planning Commission prior to the close of the Planning Commission's public hearing on the matter.

Any party seeking to challenge a final decision in court must do so within ninety (90) days of the date of the announcement of a final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

4.	<p>Proposal: Mills Act Contract Application Selection: Recommendations for 2016 Mills Act Program Contracts</p> <ol style="list-style-type: none"> 1) MA16-001: 523 41st Street (APN 012-1012-055-00); City Council District 1 - Kalb 2) MA16-002: 1824 Myrtle Street (APN 005-0410-020-00) City Council District 3 – Gibson McElhaney 3) MA16-003: 369 MacArthur Blvd. (APN 001-0785-021-02); City Council District 3 – Gibson McElhaney 4) MA16-004: 1733 10th Street (APN 006-0023-006-00); City Council District 3 – Gibson McElhaney 5) MA16-005: 1506 Linden Street (APN 005-0381-024-00); City Council District 3 – Gibson McElhaney <p>Environmental Determination: Exempt, Section 15331 of the State CEQA Guidelines, Historical Resource Restoration/Rehabilitation; Section 15183 Projects consistent with the General Plan or Zoning</p> <p>Service Delivery District: Citywide program; applications from 1, 3, & Metro this year</p> <p>City Council District: Citywide program; applications from Districts 1 and 3 this year</p> <p>Action to be taken: Forward to Planning Commission as Informational Item. Forward recommendation to City Council.</p> <p>For Further Information: Contact Betty Marvin (510) 238-6879, bmarvin@oaklandnet.com</p>
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5.	Location:	Mountain View Cemetery (Piedmont Avenue, near Pleasant Valley); 5000 Piedmont Avenue; APN: 048A700200302
	Proposal:	Expand cemetery development in currently undeveloped portions of existing cemetery to accommodate future additional burial sites.
	Applicant:	Mountain View Cemetery Association, Jeff Lindeman, (510) 658-2588.
	Case File Number:	ER15001
	Owner:	Mountain View Cemetery Association
	Planning Permits Required:	Major Conditional Use Permit, Design Review, Tree Removal Permit, Creek Permit, compliance with CEQA.
	General Plan:	Urban Park and Open Space
	Zoning:	RD-1: Residential Low Density
	Environmental Determination:	An Environmental Impact Report is being prepared for the proposed Mountain View Cemetery Project. The DEIR was released on June 15, 2016, and the 45-day public review period ends on August 1, 2016.
	Historic Status:	“A1+” rating and API, OCHS
	Service Delivery District:	2
	City Council District:	1 -- Kalb
	Action to be Taken:	Receive public and LPAB comments on the DEIR and related documents prepared to analyze the proposed project in compliance with CEQA. No decisions will be made at this hearing.
	Finality of Decision:	NA
	For further information:	Contact case planner Catherine Payne at 510-238-6168 or by e-mail at cpayne@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 Planning and Building Department, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following testimony, the Commission will vote on the staff report and recommendation. If the Commission reverses/overturns the staff decision and no alternate findings for decisions have been prepared, then the vote on the matter will be considered a “straw” vote, which essentially is a non-binding vote directing staff to return to the Commission at a later date with appropriate findings for decision and, as applicable, conditions of approval that the Commission will consider in making a final decision. Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeking to challenge these decisions in court must do so within ninety (90) days of the date of the announcement of the final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.



6. **Location:** 500 Hegenberger Road (8400 Edes Ave.); (APN: 042-4323-007-05)
Proposal: Appeal of the Zoning issuance of a Zoning Clearance Permit for new ownership of an existing Hotel (Transient Habitation) which was approved under Major Conditional Use Permit CM09-221
Original Applicant / Contact: Oakland Hotels, LLC – Nupen Patel / (510) 212-2714
Appellant / Contact: UNITE HERE Local 2850 – Ty Hudson / (213) 509-9114
Property Owner: Oakland Alameda Hotels LLC
Case File Number: ZC152397-A01
Original Case File Number: ZC152397
Planning Permits Required: Zoning Clearance permit for change of ownership of an existing hotel
General Plan: Regional Commercial
Zoning: CR-1 Regional Commercial Zone
Environmental Determination: Exempt, Section 15270 of the State CEQA Guidelines; projects which are disapproved.
Exempt, Section 15268 of the State CEQA Guidelines; ministerial projects.

Historic Status: Not a Potential Designated Historic Property; Survey rating: F3
Service Delivery District: 4
City Council District: 7
Status: Application approved by Zoning on October 29, 2015; Appealed November 9, 2015.
Action to be Taken: Public Hearing
Staff Recommendation: Deny the appeal and uphold the Zoning Administrator’s approval
Finality of Decision: Final (Not Appealable Pursuant to OMC Sec. 17.132.030)
For Further Information: Contact case planner **Michael Bradley** at (510) 238-6935 or by email: mbradley@oaklandnet.com


COMMISSION BUSINESS

Approval of Minutes

Correspondence

City Council Actions

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



ROBERT MERKAMP
Development Planning Manager
Secretary to the Planning Commission
Planning and Building Department

NEXT REGULAR MEETING: August 3, 2016

*Revised on July 8, 2016 to show the location changed to the Council Chambers.