



## **Oakland City Planning Commission**

## **DRAFT MINUTES**

Mark McClure, Chair  
Colland Jang, Vice Chair  
Nicole Franklin  
Clinton Killian  
Suzie W. Lee  
Michael Lighty  
Anne Mudge

**DECEMBER 1, 2004**  
**Regular Meeting**

### **MEAL GATHERING 5:00 P.M.**

Off Broadway Cafe & Catering Co., Cafe Deli, 416 15th Street

### **BUSINESS MEETING 6:30 P.M.**

Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

### **ROLL CALL**

**Present:** Franklin, Jang, Killian, Lee, Lighty, McClure, Mudge  
**Excused Absence:**  
**Staff:** Cappio, Patton, Thombs - CEDA Planning and Zoning  
Faiz - City Attorney

### **WELCOME BY THE CHAIR**

Chair McClure, welcomed all to the meeting and explained the conduct of meetings.

### **COMMISSION BUSINESS**

**Agenda Discussion**

**Director's Report**

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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.***

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**Committee Reports**

**Commission Matters**

**City Attorney's Report**

**OPEN FORUM**

**Speakers:**

Sanjiv Handa, East Bay News Service

Anna Naruta

**PUBLIC HEARINGS**

|           |                                     |                                                                                                                                                                                                                                                                                                                                                                  |
|-----------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1.</b> | <b>Location:</b>                    | Two block site bounded by West Grand Avenue, Broadway, Valley Street, and 24 <sup>th</sup> Street.                                                                                                                                                                                                                                                               |
|           | <b>Proposal:</b>                    | Redevelopment of the site with a phased mixed-use project including 421 condominiums, 30,000 square feet of ground-floor commercial space, and 670 structured parking spaces.                                                                                                                                                                                    |
|           | <b>Project Sponsor:</b>             | Signature Properties, Inc.                                                                                                                                                                                                                                                                                                                                       |
|           | <b>Owners:</b>                      | Negherbon Lincoln Mercury, Inc.; Signature at Negherbon LLC; Tyler Hunt; Craig Hertz                                                                                                                                                                                                                                                                             |
|           | <b>Case File Numbers:</b>           | <b>PUD03552, PUDF03553, ER030022</b>                                                                                                                                                                                                                                                                                                                             |
|           | <b>Planning Permits Required:</b>   | Planned Unit Development (Preliminary Development Plan and Final Development Plan), Design Review, Conditional Use Permit for inconsistency between zoning classification and General Plan land use designation, Variances for the construction of new live-work units and for a reduction in the number of required loading spaces, and a Tentative Parcel Map. |
|           | <b>General Plan:</b>                | Central Business District/Community Commercial                                                                                                                                                                                                                                                                                                                   |
|           | <b>Zoning:</b>                      | C-40 Community Thoroughfare Commercial Zone/C-55 Central Core Commercial Zone/ C-60 City Service Commercial Zone/S-4 Design Review Combining Zone/S-17 Downtown Residential Open Space Combining Zone                                                                                                                                                            |
|           | <b>Environmental Determination:</b> | Final EIR published on November 19, 2004.                                                                                                                                                                                                                                                                                                                        |
|           | <b>Historic Status:</b>             | Site includes seven buildings considered historic resources under CEQA.                                                                                                                                                                                                                                                                                          |
|           | <b>Service Delivery District:</b>   | II – North Oakland/North Hills                                                                                                                                                                                                                                                                                                                                   |
|           | <b>City Council District:</b>       | 3                                                                                                                                                                                                                                                                                                                                                                |
|           | <b>Action to be taken:</b>          | Consider certification of Final EIR and render decision on planning permits.                                                                                                                                                                                                                                                                                     |
|           | <b>For further information:</b>     | Contact case planner <b>Lynn Warner</b> at (510) 238-6168 or <a href="mailto:lwarnar@oaklandnet.com">lwarnar@oaklandnet.com</a>                                                                                                                                                                                                                                  |

Note: Commissioner Mudge recused herself on this item because she represents the applicant on other matters.

Lynn Warner, case planner, reviewed the proposal.

**Speakers:**

Patrick Van Ness, Signature Properties, Inc.

Naomi Schiff

Robert Wilkins, YMCA

Cynthia Shartzner, Lakeside Apartment Neighborhood Association

Greg James

Peter Berkholtz

Anna Naruta



Sanjiv Handa, East Bay News Service

**Public hearing closed.**

Commissioner Killian moved to:

- Adopt the CEQA findings for the Broadway/West Grand mixed use project contained in attachment B, which include certification of the EIR, rejection of alternatives as infeasible, and a Statement of Overriding Considerations; and
- Adopt the attached conditions of approval for the project including the Mitigation Monitoring and Reporting Program; and
- Approve the applications for the Planned Unit Development (Preliminary Development Plan and Final Development Plan), Design Review, Conditional use Permit, and Variances subject to the attached findings and conditions of approval as recommended by staff, and amended by Commissioner Lighty, seconded by Commissioner Franklin.

**ACTION:** On the motion: 6 ayes (Franklin, Jang, Killian, Lee, Lighty, McClure, ), 1 absent/recused (Mudge) Motion approved.

|           |                                     |                                                                                                                                                                                                                              |
|-----------|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2.</b> | <b>Location:</b>                    | <b>6549 San Pablo Avenue</b>                                                                                                                                                                                                 |
|           | <b>Proposal:</b>                    | Construction of 72 townhouses in 14 buildings                                                                                                                                                                                |
|           | <b>Project Sponsor/Owner:</b>       | The Olson Company                                                                                                                                                                                                            |
|           | <b>Case File Numbers:</b>           | <b>CMDV04522, TTM7548</b>                                                                                                                                                                                                    |
|           | <b>Planning Permits Required:</b>   | Design Review, Conditional Use Permit for inconsistency between zoning classification and General Plan land use designation, Variance for reduced parking stall dimensions, and a Tentative Tract Map to subdivide the site. |
|           | <b>General Plan:</b>                | Housing and Business Mix                                                                                                                                                                                                     |
|           | <b>Zoning:</b>                      | C-30 District Thoroughfare Commercial Zone/M-30 General Industrial Zone/S-18 Mediated Residential Design Review Combining Zone                                                                                               |
|           | <b>Environmental Determination:</b> | Categorical Exemption under Section 15332 of the CEQA Guidelines.                                                                                                                                                            |
|           | <b>Historic Status:</b>             | N/A                                                                                                                                                                                                                          |
|           | <b>Service Delivery District:</b>   | II – North Oakland/North Hills                                                                                                                                                                                               |
|           | <b>City Council District:</b>       | 1                                                                                                                                                                                                                            |
|           | <b>Action to be taken:</b>          | Render decision on Design Review, Conditional Use Permit, Variance, and Tentative Tract Map.                                                                                                                                 |
|           | <b>For further information:</b>     | Contact case planner <b>Lynn Warner</b> at <b>(510) 238-6168</b> or <b>lwarn@oaklandnet.com</b>                                                                                                                              |

Note: Commissioner Mudge returned to the Commission prior to discussion on this item.

Lynn Warner, case planner, reviewed the application

Speakers:

Don Reaver, The Olson Company

Charles Porter

Jim Golden, President of S.P.A.G.G.I.A

**Public hearing closed.**

Commissioner Mudge moved to confirm that the project meets the criteria for a categorical exemption under CEQA Guidelines Section 15332, and to adopt the attached conditions of approval, and approve the conditional Use Permit, Design Review, Minor Variance, and Tentative Tract Map subject to the attached findings and conditions of approval, seconded by Commissioner Lee.



**ACTION:** On the motion: 6 ayes (Franklin, Jang, Killian, Lee, Lighty, Mudge), 1 abstain (McClure)  
Motion approved.

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>3.</b>                           | <b>Location:</b> 6535-6557 Shattuck Avenue (See map on reverse)                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Assessors Parcel Numbers:</b>    | 016-1428-009-00 & 016-1428-010-00                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Proposal:</b>                    | To demolish two small one-story commercial buildings and construct a new mixed-use development consisting of six new 3-story townhouse style dwellings ranging in size from 1,360 sq. ft. to 1,416 sq. ft. in floor area, and two new 2-story commercial units that will be 1,080 sq. ft. and 1,120 sq. ft. in floor area. The project will be a Mini-Lot Development consisting of 8 Mini-Lots for each of the residential and commercial units, and a ninth common parcel that will include the shared access and open space facilities. |
| <b>Applicant:</b>                   | Peter W. Behn, Architect                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Contact Person/Phone Number:</b> | Peter W. Behn, (510) 653-3538                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Owner:</b>                       | Lawrence H. Luckham                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Case File Number:</b>            | CU04-463/TTM7574                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Planning Permits Required:</b>   | Tentative Tract Map for a 9-lot subdivision; Interim Minor Conditional Use Permit to allow 6 dwelling units pursuant to the Neighborhood Center Mixed Use General Plan Land Use Classification; and Minor Conditional Use Permits to create a Mini-Lot Development and to allow accessory parking and a driveway within 75-feet of the front property line.                                                                                                                                                                                |
| <b>General Plan:</b>                | Neighborhood Center Mixed Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Zoning:</b>                      | C-10 Local Retail Commercial Zone / S-18 Mediated Residential Design Review Combining Zone                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Environmental Determination:</b> | Exempt, Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Historic Status:</b>             | Not a Potential Designated Historic Property; Survey rating: X                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Service Delivery District:</b>   | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>City Council District:</b>       | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Status:</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Action to be Taken:</b>          | Adopt findings to approve the application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Finality of Decision:</b>        | Appealable to City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>For Further Information:</b>     | Contact case planner <b>Andrew M. Smith</b> at <b>510-238-6414</b> or by e-mail: <b>asmith@oaklandnet.com</b>                                                                                                                                                                                                                                                                                                                                                                                                                              |

Andrew M. Smith, case planner, reviewed the application

Speakers:

Larry Buckham, the applicant

Peter Bain, Project Architect

**Public hearing closed.**

Commissioner Killian moved to affirm staff's environmental determination and approve the tentative Tract Map, Minor Conditional Use Permit, and Interim Minor Conditional Use Permit application subject to the attached findings and conditions, seconded by Commissioner Mudge.

**ACTION:** On the motion: 5 ayes (Franklin, Killian, Lighty, McClure, Mudge), 1 No ( Jang) 1 absent (Lee) Motion approved.



|           |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>4.</b> | <b>Location:</b>                    | <b>400 40<sup>th</sup> Street &amp; 4015-4021 Shafter Avenue</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|           | <b>Assessors Parcel Numbers:</b>    | <b>012-1007-009-00</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|           | <b>Proposal:</b>                    | To construct a new mixed-use development consisting of a 4-story building containing 18 residential condominium units, approximately 2,090 square feet of ground floor commercial space, and 19 indoor parking spaces (at the intersection of 40 <sup>th</sup> Street and Shafter Avenue); and 10 new 3-story townhouse dwellings, each with an enclosed parking space (at the intersection of 41 <sup>st</sup> Street and Shafter Avenue). The townhouse portion of the project will be a Mini-Lot Development consisting of 10 lots for each of the residential units. |
|           | <b>Applicant:</b>                   | J. Conner, Kava Massih Architects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|           | <b>Contact Person/Phone Number:</b> | J. Conner, (510) 644-1920                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|           | <b>Owner:</b>                       | Patrick Ellwood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|           | <b>Case File Number:</b>            | <b>CMDV04-288/TTM7558</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|           | <b>Planning Permits Required:</b>   | Tentative Tract Map for a 32-lot subdivision (11 lots, 3 commercial condominium units, and 18 residential condominium units); Major Conditional Use Permit to create a Mini-Lot Development; Minor Variance to waive the group usable open space area requirement in exchange for private usable open space for the portion of the project located at 41 <sup>st</sup> Street and Shafter Avenue; Minor Variance to allow a reduced street-side yard setback along Shafter Avenue (5'-0" required along the R-70 portion of the property, 0' proposed); Design Review.   |
|           | <b>General Plan:</b>                | Urban Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|           | <b>Zoning:</b>                      | C-30 District Thoroughfare Commercial Zone / R-70 High Density Residential Zone / S-18 Mediated Residential Design Review Combining Zone                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>Environmental Determination:</b> | Exempt, Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|           | <b>Historic Status:</b>             | Not a Potential Designated Historic Property; Survey rating: X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|           | <b>Service Delivery District:</b>   | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|           | <b>City Council District:</b>       | 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|           | <b>Status:</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|           | <b>Action to be Taken:</b>          | Adopt findings to approve the application                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|           | <b>Finality of Decision:</b>        | Appealable to City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|           | <b>For Further Information:</b>     | Contact case planner <b>Andrew M. Smith</b> at <b>510-238-6414</b> or by e-mail: <b>asmtih@oaklandnet.com</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

Andrew M. Smith, case planner, reviewed the application.

No speakers on this item.

**Public hearing closed.**

Commissioner Lighty moved to affirm staff's environmental determination and approve the Tentative Tract Map, Minor Conditional Use Permit, and Interim Minor Conditional Use Permit application subject to the attached findings and conditions, seconded by Commissioner Jang.

**ACTION:** On the motion: 6 ayes (Franklin, Jang, Killian, Lighty, McClure, Mudge), 1 absent (Lee) Motion approved.



|           |                                     |                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>5.</b> | <b>Location:</b>                    | <b>1819 10<sup>th</sup> Street</b>                                                                                                                                                                                                                                                                                                                                                         |
|           | <b>Proposal:</b>                    | Proposal to move the vehicle, truck and equipment parking portion of an existing recycling business (California Waste Solutions) from its current location to a 32,923 sf building adjacent to the existing recycling operation. Proposed use of the new building is for employee parking and parking of company trucks and equipment; and storage of baled recyclables prior to shipment. |
|           | <b>Applicant:</b>                   | Victor Duong, California Waste Solutions                                                                                                                                                                                                                                                                                                                                                   |
|           | <b>Owner:</b>                       | Joe Clar & Sons                                                                                                                                                                                                                                                                                                                                                                            |
|           | <b>Case File Number:</b>            | CM04460                                                                                                                                                                                                                                                                                                                                                                                    |
|           | <b>Planning Permits Required:</b>   | Conditional Use Permit                                                                                                                                                                                                                                                                                                                                                                     |
|           | <b>General Plan:</b>                | Business Mix                                                                                                                                                                                                                                                                                                                                                                               |
|           | <b>Zoning:</b>                      | M-20 (Light Industrial); / S-4/ (Design Review Overlay Zone); S-16(Industrial Residential Transition Zone)                                                                                                                                                                                                                                                                                 |
|           | <b>Environmental Determination:</b> | Exempt per CEQA Section 15301 Minor Alternations to Existing Facilities                                                                                                                                                                                                                                                                                                                    |
|           | <b>Historic Status:</b>             | N/A                                                                                                                                                                                                                                                                                                                                                                                        |
|           | <b>Service Delivery District:</b>   | District I                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>City Council District:</b>       | District 3                                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>Status:</b>                      | N/A                                                                                                                                                                                                                                                                                                                                                                                        |
|           | <b>Action to be Taken:</b>          | Review of alteration to existing Conditional Use Permit                                                                                                                                                                                                                                                                                                                                    |
|           | <b>Finality of Decision:</b>        | Appealable to City Council                                                                                                                                                                                                                                                                                                                                                                 |
|           | <b>For further information:</b>     | <b>Margot Lederer Prado</b> , AICP Planner at <b>(510) 238-6766</b> or by email at <b>mprado@oaklandnet.com</b>                                                                                                                                                                                                                                                                            |

Margot Lederer Prado, case planner, reviewed the application.

Speakers: Ken Etherington, the applicant

Mark Clar

Nick Pukatch

Larry Sweetser

**Public hearing closed.**

Commissioner Mudge moved to affirm staff's environmental determination, and approve the new Conditional Use Permit for 1819 10<sup>th</sup> Street as a related application to the existing Conditional Use Permit CM92-222, subject to the attached findings and conditions as amended by Commissioners Lighty and Franklin, seconded by Commissioner Lighty.

**ACTION:** On the motion: 6 ayes (Franklin, Jang, Killian, McClure, Lighty, Mudge), 1 absent (Lee). Motion approved.



|           |                                                                                                                                                                                                                                                                                                            |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>6.</b> | <b>Location:</b> 440 High Street                                                                                                                                                                                                                                                                           |
|           | <b>Proposal:</b> Proposal to locate a construction and demolition (C&D) recycling transfer station on a currently vacant warehouse and yard located on a 2.5 acre site. The proposal is for the collection and transfer of C&D materials, including plant green waste- no processing of materials on site. |
|           | <b>Applicant:</b> Capitol Recycling                                                                                                                                                                                                                                                                        |
|           | <b>Owner:</b> Michael Pond, Shelly Minor                                                                                                                                                                                                                                                                   |
|           | <b>Case File Number:</b> CM04474                                                                                                                                                                                                                                                                           |
|           | <b>Planning Permits Required:</b> Major Conditional Use Permit- Extensive Impact Civic                                                                                                                                                                                                                     |
|           | <b>General Plan:</b> Light Industrial 3 (Estuary Plan)                                                                                                                                                                                                                                                     |
|           | <b>Zoning:</b> M-40 Heavy Industrial                                                                                                                                                                                                                                                                       |
|           | <b>Environmental Determination:</b> Exempt per CEQA Section 15301 Minor Alternations to Existing Facilities                                                                                                                                                                                                |
|           | <b>Historic Status:</b> N/A                                                                                                                                                                                                                                                                                |
|           | <b>Service Delivery District:</b> 5                                                                                                                                                                                                                                                                        |
|           | <b>City Council District:</b> District V                                                                                                                                                                                                                                                                   |
|           | <b>Status:</b> N/A                                                                                                                                                                                                                                                                                         |
|           | <b>Action to be Taken:</b> Review of staff report                                                                                                                                                                                                                                                          |
|           | <b>Finality of Decision:</b> Appealable to City Council                                                                                                                                                                                                                                                    |
|           | <b>For further information:</b> Contact Margot Lederer Prado at (510) 238-6766 or by email at mprado@oaklandnet.com                                                                                                                                                                                        |

*Application continued to December 15, 2004.*



7. **Location:** 4165 and 4201 Norton Avenue; 4168, 4200 and 4206 Rettig Avenue (APN Nos. 029-1069-008-00, 029-1069-007-02, 029-1069-010-00, 029-1069-046-00, 029-1069-045-00)
- Proposal:** To allow emergency grading and slope stabilization to repair a landslide on five parcels. The emergency work will include installation of stabilization piles and three (3) upper-slope retaining walls. The work will also include installation of an additional (fourth) retaining wall lower on the slope, and the completion of the remaining remedial grading of the landslide.
- On November 8, 2004, an appeal was filed of Minor Variance to allow upper-slope retaining walls up to 15 feet in exposed height where 6 feet is the maximum exposed wall height (lower-slope walls will be 6 feet or less in exposed height); and Creek Permit to allow incidental debris removal within the Rettig Avenue right-of-way necessary to complete the emergency landslide repair work.
- Appellant:** Friends of Peralta Creek – Denise Davila
- Owners / Applicants:** Phil Gregory/ Cal Engineering & Geology Inc, Anna & Angelos Sakkis, Al Williams, Virginia Jones, Tony Pereira
- Case File Number:** A04-521 (V04-209 and CP04-071)
- Planning Permits Required:** V04-209 - Minor Variance to allow upper-slope retaining walls up to 15 feet in exposed height where 6 feet is the maximum exposed wall height (lower-slope walls will be 6 feet or less in exposed height); and CP04-071- Creek Protection Permit (Category III)
- General Plan:** Hillside Residential
- Zoning:** R-30/ Single-Family Residential Zone
- Environmental Determination:** Each of the following provides a separate and independent basis for a CEQA exemption:  
(1) Repair of property damaged in a disaster proclaimed by the California state governor is exempt from Environmental Review under CEQA Guidelines Section 15269(a); (2) Emergency repairs to publicly or privately owned facilities necessary to maintain service essential to public safety or welfare is exempt from Environmental Review under CEQA Guidelines Section 15269(b); (3) Specific action necessary to prevent or mitigate an emergency is exempt from Environmental Review under CEQA Guidelines Section 15269(c); (4) Repair, maintenance and minor alteration to existing facilities of both investor and publicly-owned utilities use to provide electric power, natural gas, sewerage, or other public utility services is exempt from Environmental Review under CEQA Guidelines Section 15301(b); and (5) Repair, maintenance and minor alteration to existing streets and similar facilities is exempt from Environmental Review under CEQA Guidelines Section 15301(c).
- Historic Status:** Not a Potential designated Historic Property; Survey rating: N/A
- Service Delivery District:** IV-Fruitvale
- City Council District:** 4
- Action to be Taken:** Decision based on Staff Report
- Finality of Decision:** Decision of Planning Commission is final
- For further information:** Contact case planner, Edward Manasse, at 510-238-7733; or by email at emanasse@oaklandnet.com

Edward Manasse, case planner, reviewed the application





**Speakers:**

Reza Baradaran, City of Oakland  
Stephen Velyuis, Attorney for the community  
Eric Jorgensen  
Mark Myers  
Adel Kasim  
Chipman miles  
Joyce Roy

Virginia Rodriguez  
Anna Sakkis  
Keith Stova  
Christopher Reesor  
Sanjiv Handa, East Bay News Service

**Public hearing closed.**

Commissioner Franklin moved approval of staff's environmental determination, and to deny the appeal and uphold the issuance of the Minor Variance and Creek Protection Permit for the emergency landslide repair project, seconded by Commissioner Mudge.

**ACTION:** On the motion: 6 ayes (Franklin, Jang, Killian, Lighty, McClure, Mudge), 1 absent (Lee), Motion approved.

**COMMISSION BUSINESS**

**OPEN FORUM**

**ADJOURNMENT**

10:30 P.M.

**GARY V. PATTON**  
Deputy Director of  
Planning and Zoning