



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

June 6, 2007
Regular Meeting

MEAL GATHERING

5:00 P.M.

Saigon Restaurant, 326 Frank Ogawa Plaza, Oakland. Open to the public. (Members of the public may purchase 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.

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.



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

H. Ogawa Plaza, Oakland, California 94612. **Reports are available at the Strategic Planning Division on the 3rd 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 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

Committee Reports

Commission Matters

- a. [Discussion of summer holiday and recess schedules;](#)
- b. Commission Election of Officers

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

1.	Location:	6590 Swainland Road (APN 048H-7563-065-00) (3/15/07)
	Proposal:	Appeal of a Zoning Administrator Approval of Tentative Parcel Map TPM 9315, to subdivide an existing parcel containing one single-family dwelling into two separate parcels. Appellant alleges the Planning Department decision conflicts with Oakland City Council Resolution No. 57247 C.M.S. dated May 23, 1978.
	Applicant/Owner:	Jeff Reuvekamp / Reuvekamp Residential Builder (Applicant/Owner) Jarvis Architects (Representative)
	Contact Person/Phone	
	Number:	(925)253-0410
	Appellants/Phone Number:	Kenneth Lem / (510)549-5030
	Case File Number:	A07-099/TPM 9315
	Planning Permits Required:	Tentative Parcel Map to subdivide one lot into two lots, per Title 16 of Oakland Municipal Code (Subdivision) and California Government Code & 66474 Chapter 4, Subdivision Map.
	General Plan:	Hillside Residential
	Zoning:	R-30, One-Family Residential Zone
	Environmental Determination:	Exempt; Section 15332 of State CEQA Guidelines; Infill Development Project; and Section 15183 of the State CEQA Guidelines: Project consistent with a Community Plan, General Plan or Zoning.
	Historic Status:	Not a Historic Property
	Service Delivery District:	1
	City Council District:	2
	Summary of Planning Commission Action on May 2, 2007:	On May 2, 2007, the Planning Commission held a Public Hearing, and the Commission took a straw vote to deny the Planning Approval dated March 8, 2007, and recommended that Planning staff prepare findings for denial of Tentative Parcel Map 9315 for the Planning Commission meeting on June 6, 2007
	Date Filed:	March 15, 2007
	For further information:	Contact case planner Jason Madani at (510) 238-4790 or jmadani@oaklandnet.com



2.	Location:	5115 Grizzly Peak Boulevard (APN 048H-7514-006-02)
	Proposal:	Conditional Use Permit for communications tower on 1 1/6 acre site in R-30 Special One Family Residential Zoning District; Major Design Review for construction of 45 foot tall monopole and related ground equipment in approximately 65 square foot enclosure, on Grizzly Peak/Gwin Reservoir summit; for public safety radio only, commercial applications are excluded
	Applicant:	Wendell Norwood for City of Oakland
	Case File Number:	CMD07-189
	Owner:	East Bay Municipal Utilities District
	Planning Permits Required:	Conditional Use Permit, Major Design Review
	General Plan:	Hillside Residential
	Zoning:	R-30 Special One-Family Residential/S-11 Site Development and Design Review Combining District.
	Environmental Determination:	Exempt, Section 15303 of State CEQA Guidelines; minor new facilities; Section 15183, Projects consistent with a community plan, general plan or zoning
	Historic Status:	Not PDHP; site is vacant except for water tower
	Service Delivery District:	2
	City Council District:	1
	Date Filed:	April 26, 2007
	Status:	Complete
	Action to be Taken:	Conditional Use Permit, Design Review approval
	Staff Recommendation:	Approve with Conditions
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner David Valeska at (510) 238-2075 or by email at dvaleska@oaklandnet.com .

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.

3.	Location:	Two parcels on the easterly side of Crestmont Drive located just to the north of 538 Crestmont Drive (APN 037A-3148-040-00 & 037A-3148-041-00) (3/31/05)
	Proposal:	Public Hearing, pursuant to Oakland Municipal Code section 2.20.270(D), to (a) consider whether to "cure and correct" an alleged violation of the Sunshine Ordinance resulting from handouts distributed by staff at the Planning Commission hearing on October 18, 2006, which were not included in the 72-hour agenda packet (relating to condition of approval No. 8b and CEQA Finding No. 22); and (b) if so, whether to affirm or supersede the challenged action. <i>Note: This item was continued from the April 18, 2007 Planning Commission agenda to correct the notice and attachments.</i>
	Applicant:	Dennis Woodruff
	Contact Person/Phone Number:	Dennis Woodruff (510) 625-9544
	Owner:	Andalucia Properties LLC
	Case File Number:	TPM-7940/ER05-007
	Planning Permits Required:	A Tentative Parcel Map to create 4 lots
	Estuary Plan:	Hillside Residential
	Zoning:	R-30 One-Family Residential Zone
	Environmental Determination:	A Final Environmental Impact Report was certified by the Oakland City Council on January 16, 2007
	Historic Status:	No historic rating, vacant land
	Service Delivery District:	4
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Contained in staff report
	For Further Information:	Contact Robert D. Merkamp at (510) 238-6283 or by email: rmerkamp@oaklandnet.com



5. **Location:** 3250 Lake Shore Avenue (APN# 023-0424-022-01)
Proposal: Major Conditional Use Permit for the addition of alcoholic beverage sales at a new grocery store.
Applicant: Trader Joe's Inc.
Contact Person/Phone Number: Doug Yokomizo
626-599-3777
Owner: Sansome Lakeshore LLC
Case File Number: CM07-194
Planning Permits Required: Major Conditional Use Permit
General Plan: Neighborhood Center
Zoning: C-20/S-9
Environmental Determination: Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
Historic Status: Non Historic Property (NHP)
Service Delivery District: 3
City Council District: 2
Status: Approve application with attached conditions.
Action to be Taken: Pending
Finality of Decision: Appeal to City Council
For Further Information: Contact case planner **Jacob Graef** at (510) 777-8672 or by email at jgraef@oaklandnet.com.



6.	Location:	1200-1290 Ariane Court (037A-3134 lots 43-53)
	Proposal:	Adjust existing lot lines between 10 parcels and reclassify Ariane Court as a Shared Access Facility
	Owner:	CCCI Properties, Inc.
	Contact Person/Phone Number:	Peter Vanbiljouw (408) 373-2969
	Case File Number:	TTM7787, CU06-173
	Planning Permits Required:	Tentative Tract Map to adjust existing lot lines between 10 parcels and a Conditional Use Permit for a shared access facility
	General Plan:	Hillside Residential
	Zoning:	R-30 One Family Residential Zone
	Environmental Determination:	An Environmental Impact Report was previously approved for this project (ER88-37) which is incorporated by reference into this permit.
	Historic Status:	Not a Potentially Designated Historic Property, No Survey Rating
	Service Delivery District:	IV
	City Council District:	4
	Status:	Pending
	Action to be Taken:	Action to be taken based on staff report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Leigh McCullen at (510) 238-4977 or by email at lmccullen@oaklandnet.com

7.	Location:	1532-1534 Center Street (APN: 005-0371-014-01)
	Proposal:	Establish a Transitional Housing activity to serve no more than eight tenants between the ages of 18-24. The facility will serve young adults recently emancipated from Foster Care programs.
	Applicant:	Beyond Emancipation Inc./ Tony Thurmond
	Contact Person/Phone Number:	(510) 261-4102
	Owner:	Linda Scott
	Case File Number:	CM07-074
	Planning Permits Required:	Major Conditional Use permit for a Transitional Housing activity.
	General Plan:	Mixed Housing Type Residential
	Zoning:	R-36, Small Lot Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; existing facilities.
	Historic Status:	Potentially Designated Historic Property (PDHP); Rating Ec1
	Service Delivery District:	I – West Oakland
	City Council District:	3
	Status:	Pending
	Action to be Taken:	Decision on application based on Staff Report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@oaklandnet.com .



8.	Location:	800 Center Street (APN's: 004-0067-015-00; -016-00; & 017-00)
	Proposal:	Subdivide the three existing lots into a nine lot mini-lot subdivision for eight townhouse units.
	Applicant:	Rene Boisvert
	Contact Person/Phone Number:	(510) 444-8420
	Owner:	800 Center LLC
	Case File Number:	CMDV07-098 & TTM-7897
	Planning Permits Required:	Minor Conditional Use permit for a mini lot development, Design Review for new construction, a Major Variance to allow eight dwelling units where only a maximum of five are permitted under the R-36 Zoning, and a Tentative Tract Map for a nine lot subdivision.
	General Plan:	Mixed Housing Type Residential
	Zoning:	R-36, Small Lot Residential Zone
	Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines, projects that are disapproved. Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects.
	Historic Status:	Vacant Lot located within the Oakland Point Historic District
	Service Delivery District:	I – West Oakland
	City Council District:	3
	Status:	Pending
	Action to be Taken:	Decision on application based on Staff Report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@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, 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.

(SEE CONSENT CALENDAR ITEM #1)



COMMISSION BUSINESS

Approval of Minutes: May 16, 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: June 20, 2007