



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

March 21, 2007
Regular Meeting

REVISED 3-15-07* (See end of agenda)

MEAL GATHERING

5:30 P.M.

Sunnyside Conference Room, 250 Frank Ogawa Plaza, 3rd Floor, Suite 3300, Oakland. Open to the public. (Members of the public may bring their own meal if desired. Consumption of food is not required to attend.)

BUSINESS MEETING

6:00 P.M. **

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

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

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

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

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 --- [Zoning Pre-Application Review: 444 Embarcadero](#) – Discussion of proposed project including possible General Plan Amendment to exceed the maximum allowable residential density

Committee Reports

Commission Matters

- a. Upcoming 17-day notice for agendas and other notifications
- b. Upcoming Meeting Dates

City Attorney's Report



OPEN FORUM

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

CONSENT CALENDAR

The Commission will take a single roll call vote on all of the items listed below in this section. The vote will be on approval of the staff report in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote. Pursuant to previous Commission direction, the following item is placed on the Consent Calendar because it involves a telecommunications facility.

1.	Location:	1444 Havenscourt Boulevard (039-3247-034-02)
	Proposal:	Request for a Major Conditional Use Permit for a new macro wireless communication facility; and Regular Design Review to install (6) antennas on an existing self standing tower and ground mounted equipment cabinets within existing detached accessory structure.
	Applicant:	T-Mobile Wireless
	Contact Person/Phone	Mike Mangiantini
	Number:	(916) 759-7254
	Owner:	Havenscourt Community Church
	Case File Number:	CD06-334
	Planning Permits Required:	Conditional Use Permit and Design Review to establish a macro telecommunication facility.
	General Plan:	Detached Unit Residential
	Zoning:	R-50 Medium Density Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; minor alterations to existing facilities; 15183, Projects consistent with General Plan or Zoning.
	Historic Status:	Potential Designated Historic Property (PDHP); Survey rating: C2+
	Service Delivery District:	V
	City Council District:	6
	For further information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com



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.



2.	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. This public hearing is limited to these issues only and does not re-open the rest of the item for discussion or action.
	Applicant:	Dennis Woodruff
	Contact Person/Phone Number:	Dennis Woodruff (510)625-9544
	Owner:	Andalucia Properties LLC
	Case File Number:	TPM7940/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
	Finality of Decision:	<i>Final Decision by the City Council on January 16, 2007, not subject to further appeal.</i>
	For Further Information:	Contact Robert D. Merkamp at (510) 238-6283 or by email: rmerkamp@oaklandnet.com

ITEM #2 HAS BEEN CONTINUED TO AN INDEFINITE DATE.



3. **Location:** 2401 Adeline Street (APN 005-0437-011-00)
 Proposal: Application to revise conditions of approval for an existing Major Conditional Use Permit CM84-294 for the operation of a liquor store.
 Applicant: Edward Higginbotham
Contact Person/Phone Number: Edward Higginbotham/ 415-533-1900
 Owner: Abdel Hassan Trust
 Case File Number: REV06-028
 Planning Permits Required: Major Conditional Use Permit
 General Plan: Urban Residential/Commercial
 Zoning: M-20
Environmental Determination: Exempt, CEQA Guidelines (General Rule Exemption) Section 15301; 15183, Projects Consistent with General Plan or Zoning.
 Historic Status: Non Historic Property (NHP)
Service Delivery District: 1
City Council District: 3
 Status: Pending
 Action to be Taken: Deny the application
 Finality of Decision: *Appealable to City Council*
For Further Information: Contact case planner **Jacob Graef** at (510) 777-8672 or by email at jgraef@oaklandnet.com.

ITEM #3 HAS BEEN CONTINUED TO AN INDEFINITE DATE.

4. **Location:** 1720 MacArthur Boulevard (APN 023-0494-001-01)
 Proposal: Modification of Phase II of an approved two-phase proposal, in response to National Park Service comments on an application for Federal Rehabilitation Tax Credits (Planning Commission Approval of Phase I and Phase II on January 5, 2005). Modification to the Phase II (new construction) approval includes redesign/relocation of Building #10; reconfiguration of Building #9; an upper-level, partial addition to Building #8; increased landscaping; and reduction of parking.
 Applicant: Citizens Housing Corporation
 Owner: The Altheim, Inc.
 Case File Number: **Revision to CMDV04-240, ER04-008**
Planning Permits Required: Minor variances for building height, minimum courts and exceptions to required openness of minimum yards and courts, and design review
 General Plan: Mixed Housing Residential
 Zoning: R-50
Environmental Determination: Joint Initial Study and Environmental Assessment in support of a Mitigated Negative Declaration/Finding of No Significant Impact Adopted by Planning Commission on January 5, 2005,
 Historic Status: Potential Designated Historic Property (PDHP); Oakland Cultural Heritage Survey rating 'A' – Highest Importance; Listed on the National Register.
Service Delivery District: San Antonio – 3
City Council District: 5
 Action to be Taken: Recommend Approval subject to Conditions
For further information: Contact **Joann Pavlinec** (510) 238-6344, jpavlinec@oaklandnet.com



5.	Location:	10920 Macarthur Boulevard (APN 047 -5583-008-02) (9/13/06)
	Proposal:	Proposal to construct a 33-unit condominium building with ground floor retail.
	Applicant:	Kotas Pantaleoni Architects
	Contact Person/Phone Number:	Kotas Pantaleoni Architects (415)495-4051
	Owner:	Anthony Murphy
	Case File Number:	CMDV06-468
	Planning Permits Required:	Major Interim Conditional Use Permit to achieve the density of the Community Commercial General Plan designation, Major Design Review for new residential for a building greater than 25,000 sq. ft., and Minor Variances (a) to allow a minimum side yard of 5' where 8' is required for a ground floor residential unit, (b) to allow the height of the ground floor parking facility to be 14'8" instead of 12' on the side and (c) to allow a front yard setback of 0' where 7'6" is required.
	Estuary Plan:	Community Commercial
	Zoning:	C-20 Shopping Center Zone R-50 Medium density Residential Zone R-30 One Family Residential Zone
	Environmental Determination:	Exempt, Section 15332, State CEQA Guidelines, urban infill; 15183, Projects Consistent with General Plan or Zoning.
	Historic Status:	Not a Potential Designated Historic Property; survey rating: X
	Service Delivery District:	6
	City Council District:	7
	Status:	Pending
	Action to be Taken:	Contained in staff report
	Finality of Decision:	<i>Appealable to the City Council</i>
	For Further Information:	Contact Robert D. Merkamp at (510) 238-6283 or by email: rmerkamp@oaklandnet.com

APPEALS

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

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

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

6.	Location:	4130 Redwood Road (APN 037 -2570-008-00) (1/3/07)
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Proposal:	Appeal of a Zoning Manager decision to issue a Zoning Clearance for a full service restaurant at 4130 Redwood Road (ZC06-2804). Appellant alleges that the site does not meet the parking requirements for such a use.
Appellant:	Steven Piser
Contact Person /Phone Number:	Dave Seyranian (510) 835-5582
Case File Number:	A06-551
Planning Permits Required:	Zoning Clearance
General Plan:	Community Commercial
Zoning:	C-20 Shopping Center Commercial
Environmental Determination:	Exempt, Section 15268 of the State CEQA Guidelines; Ministerial Project;
Historic Status:	Not a Potential Designated Historic Property;
Service Delivery District:	4
City Council District:	4
Status:	This item was previously on the January 17 and February 7, 2007 Planning Commission Agendas. A withdrawal of this Appeal may be forthcoming.
For further information:	Contact case planner Eric Angstadt at (510) 238-6190 or eangstadt@oaklandnet.com

7.	Location: Butters Drive (APN 029-1151-052-00)
	Proposal: Appeal of the Zoning Manager's Approval of a Tentative Parcel Map to subdivide a 34,657 square foot lot into one 13,747 lot and one 20,910 square foot lot and Minor Conditional Use to provide access to the proposed lots via a common driveway.
	Appellant: Connie Skoog
	Project Applicant: Richard Vaterlaus
	Case File Number: TPM-8156, CU05-020
	Planning Permits Required: Tentative Parcel Map to subdivide a 34,657 square foot parcel into a 13,747 lot and a 20,910 square foot lot and Minor Conditional Use to provide access to the proposed lots via a common driveway.
	General Plan: Hillside Residential
	Zoning: R-20 Low Density Residential
	Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines, Infill Development;
	Historic Status: Vacant Parcel, No Survey Rating
	Service Delivery District: IV
	City Council District: 4
	Finality of Decision: Final Decision
	For further information: Contact case planner Leigh McCullen at (510) 238-4977 or lmccullen@oaklandnet.com.

ITEM #7 HAS BEEN CONTINUED UNTIL MAY 2, 2007.



COMMISSION BUSINESS

Approval of Minutes: February 28, 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: April 4, 2007

*** Revised 3-15-07 to indicate Items #2 and #3 being continued to indefinite dates.**

****Note new starting time of 6:00 p.m.**