



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

**April 18, 2007**  
**Regular Meeting**

**MEAL GATHERING**

**5:30 P.M.**

**Sunnyside Conference Room 250 Frank H. Ogawa Plaza 3<sup>rd</sup> Floor, 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.

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

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



**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 3<sup>rd</sup> floor (Suite 3315), which closes at 5:00 p.m.**

**New web-site staff report  
download instructions**

Staff reports are also available on-line, by 3:00 p.m. the Friday before the meeting, at [www.oaklandnet.com](http://www.oaklandnet.com) by searching "Frequently Visited Pages" located on the City of Oakland Homepage. Clicking on "Planning Commission Meetings" will open a menu of Planning Commission and Committee Agendas. Staff reports are available on the selected agenda by clicking on the highlighted case file number. You will need to ensure that your computer will accept pop-ups from the host site (oaklandnet.com) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please call **510-238-3941**.

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

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

## ***ROLL CALL***

## ***WELCOME BY THE CHAIR***

## ***COMMISSION BUSINESS***

**Agenda Discussion**

**Director's Report**

**Committee Reports**

**Commission Matters**

**City Attorney's Report**



### ***OPEN FORUM***

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

### ***CONSENT CALENDAR***

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

### ***PUBLIC HEARINGS***

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

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

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

Planning Commission decisions that involve "major" cases (i.e., major variances, major conditional use permits) are usually appealable to the City Council. Such appeals must be filed within ten (10) calendar days of the date of the announcement of the Planning Commission decision and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Case Planner. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Planning Commission or wherein their decision is not supported by substantial evidence and must include payment in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so will preclude you from raising such issues during your appeal and/or in court.

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

Interested parties are encouraged to submit written material on agenda items in advance of the meeting and prior to the close of the public hearing on the item. To allow for distribution to the Commission, staff, and the public, 25 copies of all material should be submitted. Material submitted at least ten days prior to the meeting may be included as part of the agenda packet; material submitted later will be distributed at or prior to the meeting. To ensure that material is distributed to Commissioners, it should be received by the Commission.



**1.**                      **Location:** Two parcels on the easterly side of Crestmont Dr 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

**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

**For Further Information:** Contact **Robert D. Merkamp** at (510) 238-6283 or by email: [rmerkamp@oaklandnet.com](mailto:rmerkamp@oaklandnet.com)

**2.**                      **Location:** 4250 Piedmont Avenue (APN#012-0990-018-00)

**Proposal:** Major Conditional Use Permit for the addition of beer and wine sales at an existing café.

**Applicant:** Roozbeh Ranjbin

**Contact Person/Phone Number:** Roozbeeth Ranjbin/510-985-1360

**Owner:** Rachel Bonds

**Case File Number:** **CM07-016**

**Planning Permits Required:** Major Conditional Use Permit

**General Plan:** Neighborhood Center

**Zoning:** C-31/S-18

**Environmental Determination:** Exempt, CEQA Guidelines (General Rule Exemption) Section 15301

**Historic Status:** Non Historic Property (NHP)

**Service Delivery District:** 2

**City Council District:** 1

**Status:** Approve application with attached conditions.

**Action to be Taken:** **Pending**

**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](mailto:jgraef@oaklandnet.com).

**3.**                      **Location:** 1851 10<sup>th</sup> Avenue (APN: 021 -0235-005-00) (3/24/06)



<b>Proposal:</b>	Increase the occupancy from 21 to 25 persons in an existing Transitional Housing Facility.
<b>Applicant:</b>	Ayanna Weathersby (510) 534-5354
<b>Owner:</b>	Allied Fellowship Service
<b>Case File Number:</b>	<b>REV 06-012</b>
<b>Planning Permits Required:</b>	Revision to a previously approved Conditional Use Permit (CMV 89-293) to increase the number of residents from 21 to 25 residents in an existing Transitional Housing Facility.
<b>General Plan:</b>	Mixed Housing Type
<b>Zoning:</b>	R-40 Garden Apartment Residential
<b>Environmental Determination:</b>	Exempt, Section 15301 of the State CEQA Guidelines: Minor alteration to an existing structure Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
<b>Historic Status:</b>	Potential Designated Historic Property (PDHP) Survey Rating: C2+
<b>Service Delivery District:</b>	3
<b>City Council District:</b>	2
<b>For further information:</b>	Contact case planner <b>Sung H. Kwon, AICP</b> at <b>(510) 238-6414</b> or <a href="mailto:skwon@oaklandnet.com">skwon@oaklandnet.com</a> .

<b>4.</b>	<b>Location:</b> <b>Citywide</b>
	<b>Proposal:</b> Public hearing on (1) the Draft Environmental Impact Report and (2) the proposed General Plan Amendment for the update to the City of Oakland's Bicycle Master Plan
	<b>Applicant:</b> City of Oakland
<b>Contact Person/Phone Number:</b>	Jason Patton, (510) 238-7049
	<b>Owner:</b> N/A
	<b>Case File Number:</b> <b>ER05-104, GP05-450</b>
	<b>Planning Permits Required:</b> General Plan Amendment for Adoption of Bicycle Master Plan
	<b>General Plan:</b> Citywide (varies)
	<b>Zoning:</b> Citywide (varies)
<b>Environmental Determination:</b>	An Initial Study for this project (City of Oakland, September 2005) identified transportation/circulation and air quality as environmental issues for which implementation of the project could result in a potentially significant impact. The Draft EIR focuses on these topic areas.
	<b>Historic Status:</b> None
<b>Service Delivery District:</b>	Citywide (all)
<b>City Council District:</b>	Citywide (all)
	<b>Status:</b> This project came before the Planning Commission on September 21, 2005 for a scoping session in preparing the Draft EIR. The Draft EIR has been published for a 45-day review period (starting on March 14, 2007 and ending at 4:00 p.m. on April 27, 2007).
<b>Action to be Taken:</b>	Receive public and Commission comments on the Draft EIR and proposed General Plan Amendment.
<b>Finality of Decision:</b>	No decision will be made on this project at this time.
<b>For Further Information:</b>	Contact case planner <b>Elois A. Thornton</b> , at <b>(510) 238-6284</b> or by email: <a href="mailto:ethornton@oaklandnet.com">ethornton@oaklandnet.com</a>



- 5.**                      **Location:** **5300 San Pablo Avenue** (APN's: 013-1186-013-02 & -013-03)  
                            **Proposal:** New Construction of 32 residential condominium units over ground floor commercial.  
                            **Applicant:** Dogtown Development  
**Contact Person/Phone Number:** (510) 428-1714  
                            **Owner:** 53<sup>rd</sup> Street of San Pablo, LLC  
                            **Case File Number:** **DV06-220& TPM-9153**  
                            **Planning Permits Required:** Major Design Review for building in excess of 25,000 square feet, Minor Variance to encroach into required street side setback (10'0" required; 0'0" proposed) and Tentative Parcel Map for new condominiums.  
                            **General Plan:** Community Commercial  
                            **Zoning:** C-30, District Thoroughfare Commercial Zone  
**Environmental Determination:** Exempt, Section 15332 of the State CEQA Guidelines; in fill development projects.  
                            **Historic Status:** Vacant Lot  
**Service Delivery District:** 2  
                            **City Council District:** 1  
                            **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](mailto:pvollman@oaklandnet.com).

- 6.**                      **Location:** **2935 Telegraph Avenue** (APN's 009-0698-001-00; 009-0698-002-01; 009-0698-002-02; 009-0698-002-03; 009-0698-030-00)  
                            **Proposal:** Hearing on the Draft Environmental Impact Report (DEIR) regarding a proposal to demolish the surface parking lot and existing building on the site, and to construct +/-280,000 sq. ft., five-story building, including approximately 142 residential units, 2,900 square feet of ground floor retail, open space areas and on-site parking (below ground and at ground level) for approximately 204 automobiles.  
                            **Applicant:** TCR Northern California 1, Inc.  
**Contact Person/Phone Number:** Dan Garibaldi (650)349-1224  
                            **Case File Number:** **VMD06-441; ER06-0012**  
                            **Planning Permits Required:** Major Design Review and Variances for reduction of required rear yard setback, reduction of required off-street loading berths.  
                            **General Plan:** Community Commercial/Urban Residential  
                            **Zoning:** C-40 – Community Thoroughfare Commercial; R-80 – High-rise Apartment Residential  
**Environmental Determination:** A Draft Environmental Impact Report which focuses on Historic Resources and Transportation/Traffic has been prepared; all other impacts have been reduced to less than significant levels.  
(continued on page 7)



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<b>Historic Status:</b>	Most recently used as the Courthouse Athletic Club, and previously a mortuary remodeled from a residence. Oakland Cultural Heritage Preliminary Field Rating of B+3 (of major importance, not in an area of primary or secondary importance). City of Oakland Historic Resource for purposes of CEQA.
<b>Service Delivery District:</b>	North Oakland 2
<b>City Council District:</b>	3 – Nancy Nadel
<b>Status:</b>	An Initial Study (IS) that identifies Historic Resources and Transportation/Traffic as the areas of probable environmental effects has been prepared; all other impacts have been reduced to less than significant levels. The IS and a Notice of Preparation (NOP) to prepare the DEIR were published on October 6, 2006 for review and comment. A Draft Environmental Impact Report has been prepared and was circulated on March 19, 2007 for a Public Hearing by the Landmarks Preservation Advisory Board and Planning Commission on April 9, 2007 and April 18, 2007 respectively. All comments must be received by 4:00 p.m. on Tuesday, May 3, 2007. Planning Commission Design Review Sub-committee – March 28, 2007.
<b>Action to be Taken:</b>	Receive public and Commission comments about information and analysis in the Draft Environmental Impact Report.
<b>For Further Information:</b>	Contact case planner Joann Pavlinec at (510) 238-6344 or by email: <a href="mailto:jpavlinec@oaklandnet.com">jpavlinec@oaklandnet.com</a>

***PLEASE NOTE: ITEM # 7, BELOW, WILL NOT BE HEARD BEFORE 8:00 P.M.***

### ***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.



<b>7.</b>	<b>Location:</b>	<b>5107 Macarthur Blvd.; (APN 036-2503-009-00)</b>
	<b>Proposal:</b>	The appellants are appealing the General Plan Determination issued by Planning Staff on May 5, 2005 (DET 05-031), which re-designated the subject site from Detached Unit Residential to Mixed House Type. The applicant proposes to develop a four-unit multi-family residential structure at 5107 Macarthur Boulevard.
	<b>Owner:</b>	Denis Jordan
	<b>Contact Person/Phone Number:</b>	Javier Chavarria / (650)-355-8965
	<b>Appellants:</b>	Beatriz Perez-Stable/ Alecto Caldwell
	<b>Contact Person/Phone Number:</b>	Beatriz Perez-Stable/ (510) 535-2024
	<b>Case File Number:</b>	<b>(A05-238)</b>
	<b>Planning Permits Required:</b>	<b>CD 07-029</b> , Conditional Use and Design Review for development of 6,780 SF four-unit multi-family structure. <b>PMW 07-005</b> , Parcel Map Wavier to adjust property line between subject site and adjacent parcel. <b>T07-012</b> , Tree Permit to remove four protected trees.
	<b>General Plan:</b>	Detached Unit Residential (Determined to be Mixed Housing Type)
	<b>Zoning:</b>	R-50 – Medium Density Residential
	<b>Environmental Determination:</b>	An Initial Study Report must be prepared for this project.
	<b>Historic Status:</b>	Vacant land
	<b>Service Delivery District:</b>	5
	<b>City Council District:</b>	6
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Review and advise the City Council regarding the appeal of the General Plan Determination (DET 05-031) which revised the General Plan designation of the subject site from Detached Unit Residential to Mixed House Type.
	<b>For Further Information:</b>	Contact case planner Tanya Boyce at <b>(510) 238-2074</b> or by email: <b>tboyce@oaklandnet.com</b>

**COMMISSION BUSINESS**

**Approval of Minutes:** April 4, 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:*** May 2, 2007

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