



*Doug Boxer, Chair
Michael Colbruno, Vice Chair
Sandra E. Gálvez
C. Blake Huntsman
Suzie W. Lee
Anne Mudge
Madeleine Zayas-Mart*

November 7, 2007
Regular Meeting

MEAL GATHERING

5:30 P.M.

Hearing Room 4, City Hall, 1 Frank Ogawa Plaza, 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.

Council Chambers, 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.

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

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.



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.

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

While attending Planning Commission Meetings, parking in the Clay Street Garage 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

[Discussion of upcoming meetings and holidays](#)



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.

1.	Location:	4101 Park Boulevard (See map on reverse)
	Assessors Parcel	(024 -0535-013-00)
	Numbers:	
	Proposal:	Request for a Major Conditional Use Permit for a new wireless telecommunication facility (macro) and Regular Design Review to install (6) concealed antennas on an existing church steeple with roof mounted equipment cabinet
	Applicant:	T-Mobile Wireless
	Contact Person/ Phone	Kelly Pepper
	Number:	(415) 558-8188
	Owner:	Park Blvd. Presbyterian Church
	Case File Number:	CMD 07-338
	Planning Permits Required:	Conditional Use Permit to install a new wireless telecommunication facility and Regular Design Review to install (6) antennas inside an existing church steeple including a new enclosed equipment cabinet located on the roof of the church within the perimeter of the steeple.
	General Plan:	Detached Unit Residential
	Zoning:	R-70 High Density Residential Zone
	Environmental	Exempt, Section 15303 of the State CEQA Guidelines; new
	Determination:	construction of small structures, 15301 existing facilities; 15183 Projects consistent with the General Plan or Zoning.
	Historic Status:	Potential Designated Historic Property (PDHP); Survey rating: C2+
	Service Delivery District:	3
	City Council District:	V
	Date Filed:	7/30/07
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Jose M. Herrera-Preza at (510) 238-3808 or jherrera@oaklandnet.com



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.

2.	Location:	3411 Mac Arthur Boulevard (APN# 028-0956-001)
	Proposal:	Major Conditional Use Permit for the addition distilled spirits sales to an existing beer and wine bar.
	Applicant:	Robert Huff
	Contact Person/Phone Number:	Robert Huff 510-292-5152
	Owner:	Guang Hui hen
	Case File Number:	CM 07-362
	Planning Permits Required:	Major Conditional Use Permit
	General Plan:	Neighborhood Center
	Zoning:	C-31
	Environmental Determination:	Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
	Historic Status:	Non Historic Property (NHP)
	Service Delivery District:	3
	City Council District:	4
	Status:	Approve application with attached conditions.
	Action to be Taken:	Pending
	Finality of Decision:	<i>Appealable to City Council</i>



For Further Information: Contact case planner **Jacob Graef** at **(510) 777-8672** or by email at jgraef@oaklandnet.com.

3. **Location:** **5932 Foothill Boulevard / APN: 038-3192-012-00**
 Proposal: Scoping Session to identify what issued should be addressed in a Draft Environmental Impact Report (DEIR) for a proposal to demolish an un-reinforced masonry building and construct a mixed use building containing 18 residential units and two ground floor commercial units.
 Applicant: Barbara Armstrong
Contact Person/Phone Number: Barbara Armstrong / (510) 337-1998
 Owner: Robert Imhoff / Foothill Plaza LLC
 Case File Number: **ER 07-0008**
 General Plan: District Thoroughfare Commercial Zone
 Zoning: C-30
Environmental Determination: Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. A Notice of Preparation (NOP) to prepare the EIR will be published on October 22, 2007. The comment period for the NOP ends on November 21, 2007.

 Service Delivery District: V
 City Council District: 6
 Action to be Taken: Receive Public and Commission comments regarding what information and analysis should be included in the EIR.

For Further Information: Contact case planner **Leigh McCullen** at **510 238-4977** or by e-mail at lmccullen@oaklandnet.com.

4. **Location:** **4000 Alameda Avenue (APN: 033-2250-018-03) (6/27/07)**
 Proposal: To establish a fast food sales service (modular free standing hot dog stand) at The Home Depot front entrance portico.
 Applicant: Mark Kelly
Contact Person/Phone Number: Same (408)921-8148
 Owner: Home Depot USA Inc.
 Case File Number: **CMV07-288**
Planning Permits Required: Major conditional Use Permit for the establishment of a fast food service and a minor variance for less than 1,000 feet from an existing fast food establishment.

 General Plan: General Commercial 1 (Estuary Policy Plan)
 Zoning: M-40, Heavy Industrial Zone
Environmental Determination: 15303, New construction small structures; 15183 projects consistent with a community plan, general plan or zoning.

 Historic Status: Not a Historic Property
Service Delivery District: 4
City Council District: 5
 Status: Pending
Action to be Taken: Decision based of staff recommendation
Finality of Decision: *Appealable to City Council*
For Further Information: Contact case planner Moe Hackett at **(510) 238-3973** or by email: mhackett@oaklandnet.com



5.	Location:	2985 Ford Street (025 -0673-007-00 & 025 -0673-005-03)
	Proposal:	Demolish existing building and construct three structures which would include 56 Residential Units and 15 Work/Live units.
	Applicant(s):	Toby Levy (415) 777-0561
	Owner(s):	Adam Kaye, Arvus Equity
	Case File Number(s):	DR 06-408 & TPM 9269 Attachment 1, 2
	Planning Permits Required:	Design Review for a new residential/mixed use complex with 56 Residential Units and 15 Work/Live units. Tentative Parcel Map to merge two lots and create condominiums for each of the new units.
	General Plan:	Estuary Residential Mixed Use
	Zoning:	HBX 3 Housing and Business Mix Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines: Infill Development Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	Historic Status:	Potential Designated Historic Property (PDHP) Secondary Importance or Superior Example Survey Rating: C3
	Service Delivery District:	4
	City Council District:	5
	Status:	Pending
	Action to be Taken:	Consider approval of Major Design Review and Tentative Parcel Map.
	Finality of Decision:	Appealable to City Council
	For further information:	Contact case planner Sung H. Kwon, AICP at (510) 238-6414 or skwon@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.

COMMISSION BUSINESS

Approval of Minutes: October 10 and 17, 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: December 5, 2007

NOTE: The regularly scheduled November 21, 2007, Planning Commission meeting is cancelled due to proximity to Thanksgiving.