



# **Oakland City Planning Commission** *REVISED\** AGENDA

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

**November 15, 2006**  
Regular Meeting

## **REVISED\* November 8, 2006 (see note at end of Agenda)**

### **MEAL GATHERING**      **5:15 P.M.**

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

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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.



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 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 Reports**

**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.



<b>1.</b>	<b>Location:</b>	<b>Kenilworth Road</b> (off Strathmoor Drive, in the general area between Drury Road and Norfolk Road)
	<b>Assessors Parcel Number:</b>	APN 048H-7615-007-00
	<b>Proposal:</b>	The proposed project would provide for the construction of seven single-family dwellings by means of a Planned Unit Development (PUD). The proposed PUD includes the following components: (1) a tentative parcel map to subdivide four existing lots as follows: existing lot nos. 1 and 2 would be merged into one lot, existing lot no. 3 would remain, and existing lot no. 4 would be divided into four lots and a designated remainder for a total of seven lots, (2) development of the project site and footprints for seven custom-built, single-family residences, including parking, landscaping, and post-construction stormwater management facilities, (3) roadway improvements, including widening and paving the unpaved portion of Kenilworth Road, (4) wildland fire protection, (5) geotechnical stabilization of the site and of upslope properties, and (6) enhancement and protection of a small on-site wetland and drainage course, including establishment of a creek boundary deed restriction, and protection of an off-site creek
	<b>Applicant/Owner:</b>	Eva Gero and David McDonald
	<b>Contact Person/Phone Number:</b>	David McDonald (707) 477-2389
	<b>Case File Number:</b>	<a href="#"><u>PUD 04-195, ER 040006, CP04068, TPM 8228</u></a>
	<b>Planning Permits Required:</b>	Planned Unit Development (PUD), Creek Protection Permits, Tentative Parcel Map, and Minor Variance to permit 5' side yard setbacks along lot lines opposite the creek on Parcels 1 and 2, where 5' or 10 percent of the lot width is required, to create creek buffer zone.
	<b>General Plan:</b>	Hillside Residential
	<b>Zoning:</b>	R-30, One-Family Residential Zone, S-14 Community Restoration Combining Zone, and S-18 Mediated Residential Design Review Combining Zone.
	<b>Environmental Determination:</b>	Final EIR published on October 20, 2006
	<b>Historic Status:</b>	Vacant Parcel – No Historic Status
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	1
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Leigh McCullen</b> at (510) 238-4977 or by email at <a href="mailto:lmccullen@oaklandnet.com"><b>lmccullen@oaklandnet.com</b></a>



- 2.**
- Location:** **Balsam Way (vacant lot) (APN: 048H-7524-008-00)** *(Vacant lot is located northeast corner at the intersection of Balsam Way, Pine Needle Drive and Broadway Terrace. Access to the site is through a gravel driveway located off Broadway Terrace.)*
- Proposal:** Request for a Major Conditional Use Permit for a new wireless communication facility (macro); and Regular Design Review to install antennas on an existing PG&E tower and ground-mounted equipment cabinets.
- Applicant:** T-Mobile Wireless
- Contact Person/Phone Number:** Timothy Richardson  
(510) 761-6985
- Owner:** Pacific Gas and Electric Company (PG&E).
- Case File Number:** **CMD05-461**
- Planning Permits Required:** Major Conditional Use Permit to operate a new unmanned wireless communication facility; Regular Design Review to install nine antennas on the existing southwest electrical transmission tower including a new six feet high wood fence to screen the ground-mounted equipment cabinets located within the perimeter of the of the tower.
- General Plan:** Hillside Residential
- Zoning:** R-30 One-Family Residential Zone; S-11 Site Development & Design Review Combining Zone.
- Environmental Determination:** Exempt, Section 15303 of the State CEQA Guidelines; new construction and Section 15301 existing facilities.
- Historic Status:** No historic record, vacant lot
- Service Delivery District:** 2
- City Council District:** 1
- Finality of Decision:** Appealable to City Council
- For further information:** Contact case planner **Mike Rivera** at **(510) 238-6417** or by email [mriviera@oaklandnet.com](mailto:mriviera@oaklandnet.com)

- 3.**
- Location:** **2036 Market St.(003-0031-001-00)**
- Proposal:** Major Conditional Use Permit for modification for off-sale Alcoholic Beverage Commercial Sales Activity in an existing liquor store.
- Applicant:** Khaled M. Saeed
- Contact Person/Phone Number:** Khaled M. Saeed/510-593-5847
- Owner:** Khaled M. Saeed
- Case File Number:** **CM06-212**
- Planning Permits Required:** Major Conditional Use Permit
- General Plan:** Urban Residential
- Zoning:** C-10
- Environmental Determination:** Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
- Historic Status:** Non Historic Property (NHP)
- Service Delivery District:** 1
- City Council District:** 2
- 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).

- 4.** **Location:** **4244 Masterson Street (APN 030-1935-026-01)**



**Proposal:** To construct 13 dwelling units.  
**Applicant:** Levy Design Partners, Inc.  
**Contact Person/Phone Number:** Toby Levy (415) 777-0561  
**Owner:** Affordable Housing Associates  
**Case File Number:** [CMD06-300](#)  
**Planning Permits Required:** Major Conditional Use Permit for more than 7 units in the R-50 zone and Regular Design Review.  
**General Plan:** Mixed Housing Type Residential  
**Zoning:** R-50, Medium Density Residential Zone  
**Environmental Determination:** Exempt, Section 15332, State CEQA Guidelines; Infill development  
**Historic Status:** Not a Potentially Designated Historic Property, Survey Rating D3  
**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](mailto:lmccullen@oaklandnet.com)

**5.** **Location:** **2286 San Pablo Avenue (APN 008 -0662-012-00) (11/15/06)**  
**Proposal:** To convert a former convent, currently used as apartments, to a service enriched housing facility for up to 40 men as part of the overall St. Vincent de Paul Society complex on San Pablo Avenue.  
**Owner:** Society of St. Vincent de Paul of Alameda County  
**Contact Person /Phone Number:** Stephen Krank (510) 638-7600  
**Case File Number:** [CM06-520](#) [Attachment A](#)  
**Planning Permits Required:** Major Conditional Use Permit for service enriched housing  
**General Plan:** Urban Residential  
**Zoning:** C-35 District Shopping Commercial  
**Environmental Determination:** Exempt, Section 15301 of the State CEQA Guidelines; Existing Facilities  
**Historic Status:** PDHP Dc2\*; ASI contingency contributor, minor importance  
**Service Delivery District:** 1  
**City Council District:** 3  
**Finality of Decision:** Appealable to City Council  
**For further information:** Contact case planner **Eric Angstadt** at (510) 238-6190 or [eangstadt@oaklandnet.com](mailto:eangstadt@oaklandnet.com)



<b>6.</b>	<b>Location:</b>	<b>989 41<sup>st</sup> Street (APN 012-1021-021-01 and 012-1021-022-00)</b>
	<b>Proposal:</b>	To demolish an existing industrial building and construct 48 townhouses.
	<b>Applicant:</b>	Pocket Development, LLC
	<b>Contact Person/Phone Number:</b>	Elizabeth Costello/(415) 956-1226
	<b>Owner:</b>	Charles A. Miller, Trustee; Baron Miller
	<b>Case File Numbers:</b>	<b>DV06539; TPM9267</b>
	<b>Planning Permits Required:</b>	Design Review; Minor Variance for reduced courtyard width; Tentative Parcel Map for subdivision to create condominium units.
	<b>General Plan:</b>	Housing and Business Mix
	<b>Zoning:</b>	HBX-2 – Housing and Business Mix 2 Commercial Zone
	<b>Environmental Determination:</b>	Categorical Exemption – Section 15332 of the CEQA Guidelines
	<b>Historic Status:</b>	There are no historic buildings on the site.
	<b>Service Delivery District:</b>	II – North Oakland
	<b>City Council District:</b>	1
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Lynn Warner</b> at <b>(510) 238-6963</b> or by email: <b>lwarner@oaklandnet.com</b>

<b>7*</b>	<b>Location:</b>	<b>229 International Boulevard (APN: 020-0127-006-03)</b>
	<b>Proposal:</b>	New construction of an eight story mixed use building containing 94 dwelling units and approximately 2,989 square feet of ground floor retail space and lobby along with parking for 99 cars on a basement level and part of the ground floor.
	<b>Applicant:</b>	Rene Cardinaux AIA Architect
	<b>Contact Person/Phone Number:</b>	Rene Cardinaux (707) 763-9555
	<b>Owner:</b>	Raymond and Cindy Zhang
	<b>Case File Number:</b>	<b>CMDV06-432</b>
	<b>Planning Permits Required:</b>	Major Design Review for new construction of a building exceeding 25,000 square feet, Interim Conditional Use Permit for Residential Density allowed within the Urban Residential General Plan Area, and Minor Variances to allow parking stall and aisle dimensions permitted in the S-12 Zone.
	<b>General Plan:</b>	Urban Residential
	<b>Zoning:</b>	C-40, Community Thoroughfare Commercial Zone
	<b>Environmental Determination:</b>	Exempt, Section 15332, State CEQA Guidelines, Infill Development.
	<b>Historic Status:</b>	Not a Potential Designated Historic Property (PDHP); rating: F3
	<b>Service Delivery District:</b>	3
	<b>City Council District:</b>	2
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision on application based on staff report.
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Laura Kaminski</b> at <b>(510) 238-6809</b> or by email: <b>lkaminski@oaklandnet.com</b>

**\*PLEASE NOTE: ITEM #7 HAS BEEN CONTINUED TO AN INDEFINITE DATE**



**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>8.</b>	<b>Location:</b>	<b>6525 Shattuck Ave. (APN: 016 -1428-011-01) (9/18/06)</b>
	<b>Proposal:</b>	Appeal of the Zoning Administrator’s approval for a new mixed-use building with 12-15 residential units and two ground-level commercial/retail spaces.
	<b>Appellant:</b>	L.H. Luckham and John Brownson
	<b>Owner:</b>	Shattuck Muse, LLC
	<b>Contact Person/Phone No.:</b>	Boostani-Glaudemans Architects / (510) 520-1988
	<b>Case File Numbers:</b>	<b>A06-475 (related to CD06-308)</b>
	<b>Planning Permits Required:</b>	Residential Design Review per Chapter 17.136 to construct a new mixed-use building and an Interim Conditional Use Permit (CUP) to construct 12 to 15 residential units in the C-10 Zone and Neighborhood Center Mixed-Use General Plan Area (the proposed residential density exceeds the conditionally-permitted Zoning density of 7 units; however, up to 40 units are permitted by the General Plan; therefore, and Interim CUP is required).
	<b>General Plan:</b>	Neighborhood Center Mixed-Use
	<b>Zoning:</b>	C-10 Local Retail Commercial Zone
	<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines; In-Fill Development Projects
	<b>Historic Status:</b>	Not a Potential Historic Property
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	1
	<b>Status:</b>	Application No. CD06-308 was approved on September 8, 2006; the decision was appealed on September 18, 2006.
	<b>Staff Recommendation:</b>	Uphold Zoning Administrator’s approval.
	<b>Finality of Decision:</b>	Final Decision
	<b>For Further Information:</b>	Contact case planner <b>Ann Clevenger</b> at (510) 238-6980 or by email: <a href="mailto:aclevenger@oaklandnet.com">aclevenger@oaklandnet.com</a>





**Approval of Minutes:        October 18, 2006**

**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 6, 2006

**\* Revised November 8, 2006 to note Item #7 (229 International Blvd.) as being continued indefinitely, and revising the informational table for Item #8 to add an additional appellant's name and to revise the Environmental Determination notation to refer to CEQA Section 15332, In-fill Exemption;**

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