



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

April 1, 2009
Regular Meeting

REVISED 3-25-09* (See end of Agenda)

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 meals if desired. Consumption of food is not required to attend.)

BUSINESS MEETING 6:00 P.M.

Hearing Room 1, 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.



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

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.

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.

Applicants or members of the public that plan power point presentations: Please contact Robynn Parker at raparker@oaklandnet.com or 510-238-2950 or Gwen Brown at gbrown@oaklandnet.com or 510-238-6194 at least 48 hours prior to the meeting.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

Design Review Guidelines Update

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:** 6409 Benvenue Avenue (APN: 016-1411-020-00) & 332 Alcatraz Avenue (APN: 016-1411-021-00)

Proposal: To demolish two existing structures on two contiguous lots, merge the lots and re-subdivide them into 6 mini-lots, and construct a new single family dwelling on each lot for a total of six homes served by a Shared Access Facility.

Owner/Applicant: Jerry & Mary Ann Boddum

Contact Person /Phone No.: Ed Buchanan – Jarvis Architects (510)652-3582

Case File Number: TTM 8012 & CMD09-028

Planning Permits Required: Vesting Tentative Tract Map for a mini-lot subdivision to create six mini lots; Minor Conditional Use Permits for: 1) a Mini-Lot Development, and 2) a Shared Access Facility; and Regular Design Review for new construction of six new single family dwellings.

General Plan: Mixed Housing Type Residential

Zoning: R-60 Medium-High Density Residential Zone

Environmental Determination: State CEQA Guidelines: Categorically Exempt, Sections 15332; Infill developments. Special Situation, Section 15183, projects consistent with a community plan, general plan or zoning.

Historic Status: Potential Designated Historic Property (PDHP); Survey Rating: Db1*

Service Delivery District: 2

City Council District: 1

Date Filed: February 24, 2009

Status: Pending

Action to be taken: Decision based on staff report

Finality of Decision: Appealable to City Council

For further information: Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at: mbrenyah@oaklandnet.com

2. **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: To modify Condition of Approval #33. The proposed modification would allow demolition of the historic resource, prior to Building Permit Application Approval and the commencement of construction.

Applicant: Courthouse Associates, LLC

Contact Person/Phone Number: Alex Waterbury (650)349-1224

Case File Number: REV09-0002 (Modifies VMD06-441)

General Plan: Community Commercial/Urban Residential

Zoning: C-40, Community Thoroughfare Commercial; R-80, High-rise Apartment Residential

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Environmental Determination: An Environmental Impact Report which focuses on Historic Resources and Transportation/Traffic was certified by the Planning Commission on August 1, 2007.

Historic Status: City of Oakland Historic Resource for purposes of CEQA with an Oakland Cultural Heritage Preliminary Field Rating of B+3 (of major importance, not in an area of primary or secondary importance). Most recently used as the Courthouse Athletic Club, and previously a mortuary remodeled from a residence.

Service Delivery District: North Oakland 2

City Council District: 3 – Nancy Nadel

Action to be Taken: Per staff report.

For Further Information: Contact case planner **Joann Pavlinec** at (510) 238-6344 or by email: jpavlinec@oaklandnet.com

PLEASE NOTE: ITEM #3, BELOW, HAS BEEN REMOVED FROM THIS AGENDA AND IS BEING PLACED ON THE APRIL 15, 2009 AGENDA.

~~3.~~

Location: **Citywide**

Proposal: 1) ~~Update the Use Classifications in the City of Oakland Zoning Ordinance in Chapter 17.10 and other related changes throughout the Zoning Ordinance.~~
2) ~~Make related changes to the “Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations”.~~

Applicant: City Planning Commission

Contact Person /Phone No.: Laura Kaminski (510) 238-6809

Case File Number: **ZT09-023**

Planning Permits Required: Zoning Text Amendment

General Plan: All General Plan Categories

Zoning: All Zoning Categories

Environmental Determination: The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998). The proposal is also exempt under CEQA Guidelines Section 15061(b)(3): no possibility that the activity in question may have a significant effect on the environment.

Service Delivery District: All

City Council District: All

Date Filed: February 4, 2009

Status: The proposal was heard at the February 18 Zoning Update Committee (ZUC). At that meeting, the ZUC recommended the proposal be heard in front of the Planning Commission.

Action to be taken: Discuss and make recommendation to the City Council

Finality of Decision: Recommendation to City Council

For further information: Contact case planner **Laura Kaminski** at (510) 238-6809 or by email at: lkaminski@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.

(There are no appeals on this agenda)

COMMISSION BUSINESS

Approval of Minutes: March 4, 2009

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 15, 2009

*Revised 3-25-09 to remove Item #3 from this agenda.