



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

April 2, 2008
Regular Meeting

REVISED 3-26-08* (See end of Agenda)

MEAL GATHERING **5:30P.M.**

Building Bridges, 3rd Floor, 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.**

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.

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

~~Oil Independent Oakland Action Plan Discussion~~ (Removed)

Committee Reports



Commission Matters

Upcoming Planning Commission 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.

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:	9175 Edes Avenue (APN 044-5053-001-06)
	Proposal:	A phased plan that will develop the East Oakland Sports Center at Ira Jinkins Park. An approximately 26,000 square foot recreational facility would be constructed in Phase 1, and an additional 23,000 square foot facility and outdoor amenities would be developed by Master Plan build-out.
	Project Sponsor:	City of Oakland, Community and Economic Development Agency, Project Delivery Division – Lyle Oehler, (510) 238-3389
	Owner:	City of Oakland
	Case File Numbers:	PUD08-036, PUDF08-037, CMDV08-027, ER06-0017
	Planning Permits Required:	A Planned Unit Development (including a Final Development Plan for Phase 1 and a Preliminary Development Plan for the Master Plan), Design Review, a Major Conditional Use Permit for the proposed park activities, a Minor Variance for an increase in the amount of impervious surface area, and a Tree Removal Permit.
	General Plan:	OS Open Space (CP – Community Park)
	Zoning:	Urban Open Space
	Environmental Determination:	The project has been analyzed as part of the Measure DD Implementation Project EIR, and would not result in any significant unavoidable impacts.
	Historic Status:	N/A - No historic structures are located on the site
	Service Delivery District:	6
	City Council District:	7
	Date Filed:	2/04/08
	Action to Be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Lynn Warner at (510) 238-6983 or by email: lwarn@oaklandnet.com

PLEASE NOTE: ITEM #2, BELOW, HAS BEEN REMOVED FROM THIS AGENDA

2.	Location:	620 98th Avenue APN: 045-5304-057-02
	Proposal:	Construct a 4,512 SF one-story commercial building including a Laundromat and retail space.
	Owner:	Sung Kim
	Contact Person /Phone Number:	John Newton / (510) 526-7370
	Case File Number:	CM-07-311
	Planning Permits Required:	Major Conditional Use to establish commercial use in residential zoning district
	General Plan:	Neighborhood Center
	Zoning:	C-10 Local Retail Commercial Zone R-30 One Family Residential Zone

(continued on page 5)



(continued from page 4)

Environmental Determination:

Historic Status:

Service Delivery District:

City Council District:

For further information:

Exempt, Section 15183 and 15332 of the State CEQA Guidelines;

Projects Consistent with a General Plan and Infill exemptions.

Not a Potential Designated Historic Property;

6

7

Contact case planner **Tanya Boyce** at **510 238-2074** or by e-mail at tboyce@oaklandnet.com

3.

Location: **7701 Bancroft Avenue (APN: 040-3388-004-04)**

Proposal:

To construct a new 3-story Mixed-Use Development on a vacant corner lot to feature 20 units of senior housing complex on the upper two levels over for-lease retail space, community space, and enclosed rear parking on the ground floor.

Applicant/

AE3 Partners/

Contact Person-Phone Number:

Rick L. Dumas - (510) 919-4590

Owner:

Bancroft Associates LLC

Case File Number:

CMDV 07-515 / CP 08-073

Planning Permits Required:

Major Conditional Use Permit: Density Bonus (100%) for Senior Citizen Housing (OMC Sec. 17.107.040(A)(3));

Minor Conditional Use Permits (2): parking spaces (OMC Sec. 17.116.200) & parking aisle reductions (OMC Sec.

17.116.170(B)(2);

“Major” Design Review for new residential construction of more than 25,000 square-feet new floor area (OMC Sec.

17.136.040(C)(1)) and for more than 2 new dwelling units (OMC Sec. 17.24.040, 17.46.040, 17.136.040(A)(1)-(2)-(4));

Minor Variance (rear setback) (OMC Sec. 17.46.140);

Creek Permit, Category 4 (OMC Sec. 13.16)

General Plan:

Mixed Housing Type Residential

Zoning:

C-30 District Thoroughfare Commercial Zone

Environmental Determination:

Exempt, Section 15332 of the State CEQA Guidelines:

In-Fill Development Projects;

Exempt, Section 15183 of the State CEQA Guidelines:

Projects consistent with a community plan, general plan or zoning

Historic Status:

Not a Potential Designated Historic Property

Survey Rating: *3

Service Delivery District:

5 - Central East Oakland

City Council District:

6 - Brooks

Date Filed:

December 5, 2007

Status:

Pending

Action to be Taken:

Decision based on staff report

Finality of Decision:

Appealable to City Council

For Further Information:

Contact case planner **Aubrey Rose** @ **(510) 238-2071** or by email arose@oaklandnet.com



**PLEASE NOTE: ITEM #4 WILL NOT BE HEARD
PRIOR TO 7:00 P.M.**

4.	Location:	1707 Gouldin Road, 1715 Gouldin Road, 5928 Thornhill Drive, 5914 Thorhnill Drive, and 1676 Alhambra Lane (APNs: 048F-7390-004-09, 048F-7390-001-01, 048F-7390-003-03, 048F-7390-013-00, 048F-7390-001-018)
	Proposal:	Scoping Session to identify issues that need to be addressed in a Draft Environmental Impact Report (DEIR) for a proposal by St. John's Episcopal Church to construct circulation and parking improvements under Phase 1; and to construct a new sanctuary building of 5,500 square feet and convert the existing sanctuary building into a community hall fellowship space under Phase 2. The proposed work includes demolition of an existing single family dwelling, removal of 46 trees, construction of a new Thornhill Drive access bridge over Temescal Creek, creek improvements, and new replacement landscaping.
	Applicant:	St John's Episcopal Church
	Contact Person/Phone Number:	Jerry Moran, Project Liaison (510) 531-0980/(510)557-1015
	Owner:	St John's Episcopal Church
	Planning Permits Required:	Major Conditional Use Permit to expand an existing church on a project site over one-acre, Regular Design Review for new construction, Tentative Parcel Map to merge five parcels into four, Category IV Creek Protection Permit, and a Tree Removal/Protection Permit
	Case File Number:	ER08-0001, (CMD06-546, TPM9327,CP06-151, T06-0141)
	General Plan:	Hillside Residential Zone
	Zoning:	R-30 One-Family Residential Zone
	Environmental Determination:	The Planning and Zoning Division has determined that an Environmental Impact Report (EIR) must be prepared for St. John's Episcopal Church Parking and New Sanctuary Improvements as described above. The EIR will address the potential physical, environmental effects of the project as identified in the Initial Study for each of the following environmental topics outlined in the California Environmental Quality Act (CEQA): Biological Resources, Hydrology/Water Quality, Transportation/Traffic, and Mandatory Findings of Significance. A Notice of Preparation (NOP) to prepare the EIR will be published on March 11, 2008. The comment period for the NOP ends on April 10, 2008
	Historic Status:	There are no CEQA historic resources on the project site.
	Service Delivery District:	2
	City Council District:	4
	Action to be Taken:	Receive Public and Commission comments regarding what information and analysis should be included in the Draft EIR.
	For Further Information:	Contact case planner Caesar Quitevis at 510 238-6343 or by e-mail at clquitevis@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.

PLEASE NOTE: ITEM #5, BELOW, HAS BEEN WITHDRAWN AND REMOVED FROM THIS AGENDA

5.	Location:	124-130 Montecito Avenue (APN 010-0770-014-00 and 010-0770-015-00)
	Proposal:	Appeal of the Zoning Manager's approval of a Conditional Use Permit and Variance for the construction of a gymnasium at an existing school.
	Appellant/Phone Number:	Robert Cheatham (510) 653-7499
	Project Applicant:	St. Paul's Episcopal School
	Contact Person/Phone Number:	Adam Phillips/PFAU Architecture LTD (415) 908-6408 x101
	Owner:	St. Paul's Episcopal School
	Case File Number:	A08-020 (appeal of CV07-085)
	Planning Permits Required:	Minor Variance to provide for a gymnasium with a 1 foot rear yard setback where 15 feet is required and a Conditional Use Permit for a rooftop fence to be more than four feet above the prescribed building height located within 15 feet of a residentially zoned lot (49 feet above grade proposed for 5.5% of the area of the fence located on the southwest corner of the property where 44 feet above grade permitted by right within 15 feet of a residentially zoned lot).
	General Plan:	Urban Residential
	Zoning:	R-60 Medium High Density Residential Zone

(continued on page 8)



(continued from page 7)

Environmental Determination:

Exempt, Section 15314 of the State CEQA Guidelines; minor additions to existing schools where the addition does not increase original student capacity by 25 percent or 10 classrooms, whichever is less.

Historic Status:

Designated Historic Property (DHP); Survey rating: B3. The Casa Romana is listed in the Oakland Cultural Heritage Survey with a status code of B3, which indicates that the property has a "B" rating defined as a property of "Major Importance" with major historical or architectural value. The building's "3" rating signifies that the property is not located in an historic district. The proposed project, which seeks to rehabilitate the Casa, will result in the demolition of the back of house spaces and non-historic additions and the construction a new, three-story addition to the rear.

Service Delivery District:

III

City Council District:

3

Status:

Approved by the Zoning Manager and appealed by a neighbor to the Planning Commission

Action to be Taken:

Deny the Appeal upholding the Zoning Manager's approval

Finality of Decision:

Final

For further information:

Contact case planner **Leigh McCullen** at (510) 238-4977 or lmccullen@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes: February 13, February 20, March 5, and March 19, 2008

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 16, 2008

* Revised March 19, 2008 to remove the Director's Report and Item #5 from the Agenda.

*Revised March 26, 2008 to remove Item #2 from the Agenda and add minutes continued from the March 19th Agenda.