



Oakland City Planning Commission

*C. Blake Huntsman, Chair
Chris Pattillo, Vice Chair
Michael Colbruno
Michael Coleman
Jim Moore
Vien Truong
Jonelyn Whales*

Minutes

March 6, 2013

Regular Meeting

ROLL CALL

Present: Huntsman, Pattillo, Colbruno, Coleman, Moore, Whales.

Excused: Truong.

Staff: Rachel Flynn, Scott Miller, Mike Rivera, Mark Wald, Cheryl Dunaway.

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Director's Report

New Director of Planning and Building Rachel Flynn introduced herself to the Planning Commission and stated that she hopes to give a Director's Report at the beginning of each Planning Commission Meeting.

Committee Reports

Vice Chair Pattillo announced that she attended a community meeting pertaining to a high-rise development on Harrison and 14th Streets that will be brought before the Planning Commission soon.

Commission Matters

Staff Member Scott Miller announced upcoming term expirations for Commissioners Huntsman and Colbruno in May 2013. Two new Planning

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.



Commissioners may be appointed by Mayor Quan's office shortly thereafter.

APPEALS

2.	316 63rd Street (APN: 016-1409-002-00)
	Appeal of the Zoning Manager's Denial for Regular Design Review and Minor Variance application (DV10-319) to alter or rebuild an existing three-story, 8-unit residential facility of about 7,006 square feet with a rear detached four-car garage, and to expand an attached four-story building addition of about 6,631 square feet (the additional 3,296 square feet (approximate) of the proposed garage floor area is not included in the total gross floor area calculations).
Appellants/Owners:	Lewis & Mary diSibio
Contact Phone Number:	(510) 652-0830
Case File Number:	A12-223
Planning Permits Required:	Regular Design Review for building alterations and building additions to a multi-family residential facility; and Minor Variances to reduce the front yard setback from the required 10-ft to the proposed 4-ft., and to reduce the easterly side yard setback from the required 4-ft. to the proposed 0-ft. for the new building envelope.
General Plan:	Mixed Housing Type and Neighborhood Center (<i>current general plan designation</i>); and Neighborhood Center Mixed Use (<i>previous general plan designation at the time proposal was determined complete</i>)
Zoning:	RM-4 Mixed Housing Type Residential Zone – 4 (<i>current zoning district</i>); and R-60 Medium-High Density Residential Zone (<i>previous zoning district at the time proposal was determined complete</i>)
Environmental Determination:	Section 15270 of the State CEQA Guidelines: Projects which are disapproved.
Historic Status:	Potential Designated Historic Property (PDHP), Rating: D2+
Service Delivery District:	2
City Council District:	1
Staff Recommendation:	Deny the appeal and uphold the Zoning Manager's determination
Finality of Decision:	Final (not appealable per Section 17.132.030 (OPC))
For Further Information:	Contact Case Planner Mike Rivera at (510) 238-6417 or by email: mriviera@oaklandnet.com .

Staff Member Scott Miller gave a presentation.

Vice Chair Pattillo asked if it is accurate to state the number of major outstanding points of contention is relatively few, and are there other key issues unresolved. Mr. Miller confirmed.

Appellants: Therese Cannata and Lynn Yerkes gave an argument and answered the following questions asked by the Planning Commission.

Vice Chair Pattillo asked if the appellants concur with what Mr. Miller stated in his Presentation that there is only one major item of disagreement. She also asked what is driving this change, and why is there a proposal to trade 8 units for 8 units and extra parking.



Appellant's attorney, Lynn Yerkes responded stating that the drive for this proposal is the expansion of the 8 units, immense change in terms of the light and air. She would also like to know if the square footage will be reduced or increased? She clarified an explanation that Mr. Miller stated concerning setback variances. She explained there are two setback issues, but it's the front and not the rear setback as previously stated by Mr. Miller.

Commissioner Colbruno asked the appellants if they met with any community groups or stake holders during this process? He felt that there should've been an easier route to getting this project proposal approved, and there should've been more outreach to the neighbors reach a of compromise. He also questioned if there were any discussions at any point during this process concerning the design. Commissioner Colbruno inquired about the options if the Planning Commission upholds staff's determination, and is it too late to continue this item in an attempt to resolve the design review issues?

Commissioner Moore inquired if the project architect was present at tonight's meeting. He stated there is usually more discussion between staff and the appellants in an attempt to resolve difficult issues. He inquired about the elimination of a portion of the backyard being an issue and do the residents to the west of the property have any objections.

Mr. Miller addressed Commissioner Colbruno's inquiry stating that this particular application is the final action before the Planning Commission with no further action on a City of Oakland level. The next step would be a lawsuit which they've already have. However, if the appellants choose to, they may reapply which will start the process all over again.

Appellant, Lynn Yerkes responded to the question regarding neighbors to the west by stating that the neighbors have no objection as far as she knows.

Chair Huntsman inquired about how much square footage would be lost as a result of staff's determination being upheld. He asked the appellants if they would like to take a 5 minute break to discuss Commissioner Colbruno's proposal of continuing this item in an attempt to resolve the Design Review issues. Appellants agreed to take a 5 minute break to discuss Commissioner Colbruno's proposal.

After returning from the 5 minute break, Mr. Miller explained his calculation on the amount of square footage that would be lost. This information is also included in the agenda.

Planning Commission Comments, Questions and Concerns:

Vice Chair Pattillo agrees that we all want to move forward. There are only a few significant areas of contention. After driving to the project site, she realized that it has a lot of integrity in which the building fits in with the neighborhood beautifully. She has a number of issues and concerns with the architectural design and doesn't agree with the appellant's previous statement that it is an elegant design. She is also concerned about the reorienting of the entrance. The design is very narrow and doesn't fit in with the rest of the homes in the neighborhood which have wide entrances facing the street. She doesn't feel that she can support this project.



Commissioner Colbruno concurred with Vice Chair Pattillo's comments and feels that the appellants just didn't adhere to staff's recommendations. He is a little disappointed that they were given the opportunity to resolve the Design Review issues, but declined to do so. He will not support this project.

Commissioner Whales also concurs with staff's determination.

Commissioner Moore stated that this project took a wrong turn and staff was still willing to work with the appellants, and is confused on why they declined the proposal. He is in support of staff's determination.

Commissioner Coleman expressed his disappointment with the appellants declination of the Planning Commission and staff's offer to work together to resolve the Design Review issues and agrees with Commissioner Colbruno when he stated that no court will agree with the appellants on this matter. He is also in support of staff's determination.

Chair Huntsman stated that the appellant should've brought their architect to tonight's meeting to address the issues concerning massing and design, not their attorney. He supports the denial of this project proposal.

Commissioner Colbruno made a motion to uphold staff's denial determination, seconded by Commissioner Whales.

Action on the matter: Approval 6 ayes, 0 noes.

Approval of Minutes

Approval of the December 5, 2012 Minutes.

Action on the matter: Commissioner Colbruno made a motion to approve, seconded by Chair Huntsman.

December 5, 2012 Minutes approved with edits recommended by the Planning Commission.

ADJOURNMENT

Meeting adjourned at approximately 7:35 P.M.

SCOTT MILLER
Zoning Manager
Planning and Zoning Division

NEXT REGULAR MEETING: March 20, 2013