



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

August 5, 2009
Regular Meeting

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

Hearing Room 4, City Hall, One Frank Ogawa Plaza, Oakland
Open to the public (Members of the public may purchase 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.

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.



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

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

Committee Reports

Commission Matters

Commission Election of Officers

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:	5329 Foothill Boulevard (APN: 035 -2389-017-00) (at Fairfax Lighthouse Community Church)
	Proposal:	To expand a Wireless Telecommunications Facility co-located at a church by attaching 3 new antennas to upper façades and constructing 1 new ground-level equipment cabinet.
	Contact Person/	Steve Christenson (for T-Mobile)
	Phone Number:	(530) 368-0730
	Owner:	Fairfax Lighthouse Deliverance Church
	Case File Number:	CMD 09-147
	Planning Permits Required:	Major Conditional Use Permit and Regular Design Review each with special findings to allow the expansion of a Macro Facility located within a Residential Zone (OMC Sec. 17.28.040, 17.28.080(B), 17.46.040, 17.46.080(B), 17.80.030, 17.128.070(B) & (C), 17.134.020(A)(3)(i), 17.136.040(A)(10))
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	C-30 District Thoroughfare Commercial Zone / S-4 Design Review Combining Zone / R-70 High Density Residential Zone (rear, fronting Bancroft Ave.)
	Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (Additions to existing structures); Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	Historic Status:	Potential Designated Historic Property (PDHP); Survey Rating: B+2+ (ASI/Area of Significant Importance anchor)
	Service Delivery District:	V – Central East Oakland
	City Council District:	6 - Brooks
	Date Filed:	June 29, 2009
	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 Aubrey Rose, Planner II at (510) 238-2071 or arose@oaklandnet.com



2.	Location:	4660 Harbord Drive (APN: 048B-7150-002-04)
	Proposal:	To install a wireless communication facility for 8 new antennas and 4 interior cabinets on the existing two penthouse facilities located on the rooftop and on the corner building turret of the school facility.
	Contact Person/	T-Mobile, Ana Gomez-Abarca
	Phone Number:	(415) 990-5384
	Owner:	Holy Names High School
	Case File Number:	CMD 09-139
	Planning Permits Required:	Major Conditional Use Permit to operate a new unmanned wireless communication facility in a residential zone; Regular Design Review for new wireless antennas.
	General Plan:	Institutional
	Zoning:	R-30 One-Family Residential Zone
	Environmental Determination:	Exempt, Section 15301(e) of the State CEQA Guidelines: Existing Facilities (additions to existing structures); Section 15183 of the State CEQA Guidelines: Projects consistent with a Community plan, General Plan or Zoning
	Historic Status:	Potential Designated Historic Property (PDHP); Survey Rating: B+3, Major Importance
	Service Delivery District:	2
	City Council District:	1
	Date Filed:	June 17, 2009
	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 Mike Rivera , at (510) 238-6417 or by email at mrivera@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.

3. **Location:** 6161 Coliseum Way (APN: 041-3906-011-00) (12/31/07)
- Proposal:** To establish a fast food sales service (mobile Taco Truck) at a paved corner of an industrial lot with an existing structure. (*Note: this item was previously discussed before the Planning Commission at the June 16th, 2009 hearing to allow the Planning Commission to reconsider a prior decision*)
- Applicant:** Maria Menendez
- Contact Person/Phone Number:** Same (510)569-8418
- Owner:** Huey B. Hoang
- Case File Number:** **CM07-553**
- Planning Permits Required:** Major Conditional Use Permit for the creation of a fast food activity.
- General Plan:** Business Mix
- Zoning:** CIX2, Commercial Industrial Zone
- Environmental Determination:** 15301, Existing Structures,
15183, projects consistent with a community plan, general plan, or zoning
- Historic Status:** Not a Historic Property
- Service Delivery District:** 5
- City Council District:** 6
- Status:** Pending
- Action to be Taken:** Decision based of staff report
- Finality of Decision:** Appealable to City Council within 10 days
- For Further Information:** Contact case planner Moe Hackett at **(510) 238-3973** or by email: **mhackett@oaklandnet.com**

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| 4. | Location: | 6400 Shattuck Avenue (APN 016-1427-024-00) |
| | Proposal: | To provide off-site consumption sales of alcoholic beverages in a Convenience Store |
| | Applicant: | Ashrious and Verniece Pannell (JoJo's Market, former NikNak) |
| | Owners: | Ashrious and Verniece Pannell |
| | Contact Person/Phone Number: | Ashrious Pannell
(510) 836-0409 |
| | Case File Number: | CMV09-0111 |

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Planning Permits Required: Major Conditional Use Permit and Variances to allow Alcoholic Beverage Service Activities at a an existing commercial building, 11 am to 12 am, within 1,000 feet of another alcoholic beverage service activity and other specified facilities; and operation of a Convenience Market

General Plan: Neighborhood Center Commercial

Zoning: C-10 Local Retail Commercial Zone

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; Modification of of Existing Facilities, Section 15183, Projects consistent with a general plan, community plan, or zoning

Historic Status: Not PDHP/Historic

Service Delivery District: 2

City Council District: 1

Finality of Decision: Appealable to City Council with in 10 days

For further information: Contact case planner **David Valeska**, at (510) 238-2075 or dvalueska@oaklandnet.com

5. **Location:** **360 42nd Street**
- Assessors Parcel Numbers:** **APNs 013-1106-003-03 & 013-1106-004-00**
- Proposal:** Revision to a Conditional Use Permit (CM94-148) to increase the number of students at Park Day School from 244 to 480 students, change on-site circulation, and add the adjacent parcel. This additional parcel contains the existing historic “Matilda Brown Home” formerly used by the Ladies Home Society. Exterior modifications are proposed to the Matilda Brown Home building to allow conversion to classrooms and offices.
- Applicant/Contact:** Tom Little
- Phone Number:** (510) 653-0317
- Owner:** Park Day School
- Case File Number:** **REV08-013 (CM94-148), DR08-314, PMW08-018**
- Planning Permits Required:** Major Conditional Use Permit for community education in the R-35 Zone for a project site that exceeds one acre with a non-residential project involving 25,000 square feet or more of floor area, Design Review for exterior modifications, and a Parcel Map Waiver to merge two parcels.
- General Plan:** Institutional
- Zoning:** R-35, Special One-Family Residential Zone
- Environmental Determination:** State CEQA Guidelines: Categorically Exempt, Section 15332, Infill developments; Section 15301, Existing Facilities; Section 15305(a), Minor Lot Line Adjustments; Section 15183, projects consistent with the General Plan or Zoning.
- Historic Status:** Potential Designated Historic Property (PDHP); Secondary Importance or Superior Example, Survey Rating C3.
- Service Delivery District:** 2
- City Council District:** 1

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Date Filed: 07/02/08
Status: Pending
Staff Recommendation: Approve project based on findings and subject to conditions of approval.
Finality of Decision: Appealable to City Council within 10 days
For Further Information: Contact case planner **Ulla-Britt Jonsson** at (510) 238-3322 or ujonsson@oaklandnet.com

PLEASE NOTE: ITEMS #6 AND #7, BELOW, WILL NOT BE HEARD PRIOR TO 7:00 P.M.

6. **Location:** 2647 International Boulevard, St. Joseph's Senior and Family Housing Project (APNs 025-0701-004-01, 025-0701-007-01, 025-0701-008-00, 025-0701-010-02, 025-0701-010-03)
- Proposal:** Final Planned Unit Development (PUD) for Phase II of an approved Preliminary Planned Unit Development (PUD) and Vesting Tentative Parcel Map. The approved Preliminary PUD includes:
- adaptive reuse of the historic main building in order to develop up to 84 units for elderly residential use and community commercial space (Phase I);
 - demolition of the poultry house, garage, and guardhouse; adaptive reuse of the historic laundry building and men's smokehouse; and new construction for up to 80 one, two and three bedroom affordable family units (Phase II); and,
 - 137 parking spaces and open space, landscaped areas.
- Applicant:** Bridge Housing Corporation
Contact Person/Phone Number: Smitha Seshadri, Project Manager (415) 989-1111
Owner: Bridge Economic Development Corporation
Case File Number(s): **PUDF09141; TPM9892; REV090011 (Previous related approvals: PUD07-452; ER07-0003; TPM9590)**
- Planning Permits Required:** **Planned Unit Development Final (PUDF) for Phase II; Design Review for Phase II: Revisions to Preliminary Development Plan (PDP); Vesting Tentative Parcel Map**
- General Plan:** Community Commercial
Zoning: C-40 – Community Thoroughfare Commercial, C-28 – Commercial Shopping District, C-60 – City Service Commercial (Subsequent zone – CIX-2);
- Environmental Determination:** Mitigated Negative Declaration (MND) under the California Environmental Quality Act (CEQA) and a Finding of No Significant Impact (FONSI) under the National Environmental Protection Act (NEPA) adopted by the Planning Commission on December 19, 2007.
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Historic Status: City of Oakland Landmark 84-317
Service Delivery District: 4 – Fruitvale
City Council District: 5 - De La Fuente
Date Filed: June 3, 2009
Action to be Taken: Consider approval of Design Review of the Phase II, PUDF; proposed modifications to the approved PUD including: 1) project phasing modifications; 2) modifications to the Preliminary Development Plan, including building footprints, heights, massing, relationship of buildings to open spaces and inclusion of adaptive re-use of the guardhouse; 3) Phase II detailed design review; 4) Condition of Approval #25A.a. timing change request; and 5) request to postpone design review of the historic brick walls; and Vesting Tentative Map Approval.
Finality of Decision: Appealable to City Council within 10 days.
For Further Information: Contact **Joann Pavlinec (510) 238-6344, jpavlinec@oaklandnet.com**

7. **Project Name:** **Arcadia Park Residential Project**
Location: **98th Avenue @ San Leandro Street**
Assessor's Parcel Numbers: 044-4989-009-04; 044-4989-010-02; 044-4989-011-02; 044-4989-016-00; 044-4989-017-00
Proposal: The applicant proposes to revise the previously approved project primarily to (1) reduce the number of proposed units from 365 units to 168 units, (2) reduce the land area to be developed from approximately 27 acres to approximately 17 acres, (3) modify the mixture of proposed housing types, (4) modify the proposed street layout, (5) modify the proposed parks and open space, (5) relocate the proposed private community center, and (6) modify access to the site.
Applicant: Pulte Home Corporation
Contact Person/Phone Number: Andy Cost, Pulte Home Corporation / (925) 249-3200
Owner: Pulte Home Corporation; Ronald & Marianne Dreisbach
Case File Numbers: **REV09-007; TPM-8017**
Planning Permits Required: Revision to a previously approved Planned Unit Development permit; Tentative Parcel Map
General Plan: Housing and Business Mix
Zoning: R-30 One-Family Residential Zone (portion of site); and R-50 Medium Density Residential Zone (portion of site)
Environmental Determination: An Environmental Impact Report (EIR) was prepared and certified for the project in 2005. No further environmental review is required.
Historic Status: Various
Service Delivery District: 6
City Council District: 7
Status: The project was previously approved in 2005 and is currently under construction. The decision on the proposed revisions to the project is currently pending.
Action to be Taken: Decision on application
Finality of Decision: Appealable to City Council within 10 days
For further information: Contact the case planner, **Darin Ranelletti**, at **(510) 238-3663** or by e-mail at **dranelletti@oaklandnet.com**.



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: [July 15, 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: September 2, 2009