



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

May 21, 2008
Regular Meeting

REVISED 5-9-08* (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 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.

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.



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.**

**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](#)

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.

1.	<p>Location: 1640 Broadway (Northeast Corner) (APN:008-0622-001-03; 008-0622-001-04; 008-0622-001-05)</p> <p>Proposal: Extension of the entitlements for a previously approved Interim Major Conditional Use Permit (Case File CMDV05-118) to allow construction of a 254-unit residential high-rise building with approximately 4,710 square feet of ground floor commercial space and 326 parking spaces.</p> <p>Applicant: 1640 Broadway Associates</p> <p>Contact Person/Phone Number: Margaret Cafarelli / (510) 594-8811</p> <p>Owner: 1640 Broadway Associates</p> <p>Case File Number: CMDV05-118</p> <p>Planning Permits Required: Per Condition of Approval #2 for Case File CMDV05-118, the Zoning Administrator may grant a one-year extension, with additional extensions subject to approval by the City Planning Commission. The applicant is requesting an additional one year extension from the City Planning Commission.</p> <p>General Plan: Central Business District</p> <p>Zoning: C-55 Central Core Commercial Zone S-8 Urban Street Combining Zone</p> <p>Environmental Determination: A Final Environmental Impact Report was certified on October 4, 2000. On October 3, 2001, the Planning Commission adopted Environmental Determination Findings pursuant to CEQA Section 15162 that no substantial changes have occurred and no new impacts were identified by the all residential project (Case File REV01-007). Staff reviewed an updated traffic study and determined that the no new no substantial changes have occurred and no new impacts were identified by the re-approval of the project (Case File CMDV05-118) on May 4, 2005.</p> <p>Historic Status: Non-historic property (NHP); survey rating N/A</p> <p>Service Delivery District: Downtown Metro</p> <p>City Council District: 3</p> <p>Action to be Taken: Decision based on staff report</p> <p>Finality of Decision: Appealable to City Council within 10 days</p> <p>For Further Information: Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.</p>
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2.	Location:	1001 Warfield Avenue (APN: 011-0856-015-00)
	Proposal:	To install three concealed telecommunication antennas, and three enclosed equipment cabinets at a site with 9 existing antennas for a total of 12 telecommunication antennas.
	Applicant:	AT&T
	Contact Person/Phone Number:	Jason Osborne/(415)559-2121
	Owner:	The Estopinal Family Trust
	Case File Number:	CMD08-057
	Planning Permits Required:	Regular Design Review to install three concealed telecommunication antennas and three enclosed equipment cabinets. Major Conditional Use Permit for the installation of a Mini telecommunication facility within 100 feet of a residential zone.
	General Plan:	Mixed Housing Type Residential
	Zoning:	R-40 Garden Apartment Residential Zone
	Environmental Determination:	Exempt, Section 15301 and 15183 of the State CEQA Guidelines, minor alterations to an existing facility and projects consistent with a community plan, general plan or zoning.
	Historic Status:	Not a Potential Designated Historic Property; Survey Rating: X
	Service Delivery District:	3
	City Council District:	2
	Status:	Pending
	Action to be Taken:	Decision on Application based on Staff Report
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@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:	5720 Shattuck Avenue (APN 015-1277-058-00)
	Proposal:	Establish a new retail bookstore and supporting office space in an existing commercial building located in a residential zone.
	Applicant Name/Phone Number:	Lillian Mitchell (510) 663-2144
	Owner:	Matt McKay, New Harbinger Publications
	Case File Number:	CM08-073
	Planning Permits Required:	Interim Major Conditional Use Permit for a General Retail Sales Commercial Activity
	General Plan:	Mixed Housing Type Residential
	Zoning:	R-50 Medium Density Residential Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Minor alterations to an existing facility Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
	Historic Status:	Potential Designated Historic Property; Survey Rating Dc3
	Service Delivery District:	2
	City Council District:	1
	Status:	Pending
	Action to be Taken:	Decision on application based on Staff Report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Holly Pearson at (510) 238-3079 or by email: hpearson@oaklandnet.com

4.	Location:	317 and 319 Lester Avenue (APNs 021-0227-030-00, 021-0227-031-00)
	Proposal:	To construct a 44 unit multi-family dwelling.
	Contact Person/Phone Number:	Robert Hayes (Project Architect) (415) 332-0999
	Owner:	Sameer Kaul and Vivian Cheng
	Case File Number:	CMD08-039
	Planning Permits Required:	Major Conditional Use Permit to apply the Urban Residential General Plan Density (up to 20 units permitted by the R-60 Zone and up to 67 units permitted by the General Plan) and Regular Design Review for new construction.
	General Plan:	Urban Residential
	Zoning:	R-60 Medium-High Density Residential Zone
	Environmental Determination:	Exempt, Section 15332, State CEQA Guidelines; (Infill development); Section 15183, projects consistent with a community plan general plan, or zoning
	Historic Status:	317 Lester - Potentially Designated Historic Property, Survey Rating Dc2+ 319 Lester - Potentially Designated Historic Property, Survey Rating D2+

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Service Delivery District: III
City Council District: 3
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**

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.

(There are no Appeals on this Agenda)

COMMISSION BUSINESS

Approval of Minutes: March 5, 2008, April 30, 2008 and May 7, 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: June 4, 2008

* Revised 5-9-08 to include a Director's Report (Oil Independent Oakland Action Plan Discussion) and to add the March 5, 2008 regular meeting minutes for approval.

**Commissioner Lee's term as Commissioner has expired and she will be replaced upon swearing in of a successor Commissioner, currently anticipated to occur in the latter part of May.