



*Anne Mudge, Chair
Doug Boxer, Vice Chair
Michael Colbruno
Paul Garrison
Suzie W. Lee
Michael Lighty
Madeleine Zayas Mart*

May 16, 2007
Regular Meeting

MEAL GATHERING 5:30 P.M.

Sunnyside Conference Room, 250 Frank H. Ogawa Plaza, 3rd Floor, 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.

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

- A. [Application of Condominium Conversion Rights for structures that have been Deemed Uninhabitable](#)**

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:** Two parcels on the easterly side of Crestmont Drive located just to the north of 538 Crestmont Drive (APN 037A-3148-040-00 & 037A-3148-041-00) (3/31/05)

Proposal: Public Hearing, pursuant to Oakland Municipal Code section 2.20.270(D), to (a) consider whether to “cure and correct” an alleged violation of the Sunshine Ordinance resulting from handouts distributed by staff at the Planning Commission hearing on October 18, 2006, which were not included in the 72-hour agenda packet (relating to condition of approval No. 8b and CEQA Finding No. 22); and (b) if so, whether to affirm or supersede the challenged action. *Note: This item was continued from the April 18, 2007 Planning Commission agenda to correct the notice and attachments.*

Applicant: Dennis Woodruff

Contact Person/Phone Number: Dennis Woodruff
(510) 625-9544

Owner: Andalucia Properties LLC

Case File Number: **TPM-7940/ER05-007**

Planning Permits Required: A Tentative Parcel Map to create 4 lots

Estuary Plan: Hillside Residential

Zoning: R-30 One-Family Residential Zone

Environmental Determination: A Final Environmental Impact Report was certified by the Oakland City Council on January 16, 2007

Historic Status: No historic rating, vacant land

Service Delivery District: 4

City Council District: 4

Status: Pending

Action to be Taken: Contained in staff report

For Further Information: Contact **Robert D. Merkamp** at (510) 238-6283 or by email: **rmerkamp@oaklandnet.com**

2. **Location:** 2647 International Boulevard, St. Joseph’s Professional Center (APNs 025-0701-004-01, 025-0701-007-01, 025-0701-008-00, 025-0701-010-02, 025-0701-010-03)

Proposal: Scoping Session to identify the issues that need to be addressed and to receive comments on an Initial Study for a Draft Environmental Impact Report (DEIR) regarding a proposal for adaptive reuse of two historic structures and the demolition of four historic structures in order to develop up to 78 units for elderly residential use, up to 80 one-, two- and three-bedroom affordable family units and community commercial space, including parking and open space areas.

Applicant: Bridge Housing Corporation

Contact Person/Phone Number: Smitha Seshadri, Project Manager (415)989-1111

Owner: Bridge Economic Development Corporation

File Number: **ER07-0003**

(continued on page 5)



(continued from page 4)

General Plan: Community Commercial
Zoning: C-40 – Community Thoroughfare Commercial
Environmental Determination: An Environmental Impact Report must be prepared for this project.
Historic Status: City of Oakland Landmark 84-317
Service Delivery District: 4 - Fruitvale
City Council District: 5 - De La Fuente
For Further Information: Contact **Joann Pavlinec (510) 238-6344**, jpavlinec@oaklandnet.com

3. Location: Bentley School; 1 Hiller Drive, 251 Tunnel Road, 245 Tunnel Road, and 261 Tunnel Road (APN: 048H-7576-001-04, 048H-7576-030-02, 064 -4231-015) through 064 -4231-017

Proposal: Scoping Session to identify the issues that need to be addressed and receive comments for a Draft Environmental Impact Report (DEIR) regarding the proposal to amend the original conditional use permit (Case File No. CM69-107) and to permit and legalize the current student enrollment (360 students); the current childcare hours (7:30 AM to 6:00 PM); the weekday evening events; and permit weekend and summer events at the school.

Applicant: Bentley School
Contact Person/Phone Number: Bruce Wallin / (510) 843-2512
Owner: Bentley School
Case File Number: **ER07-0006**
General Plan: Hillside Residential
Zoning: R-30 One-Family Residential Zone
S-14 Community Restoration Development Combining Zone
S-18 Mediated Residential Design Review Combining Zone

Environmental Determination: Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. A Notice of Preparation (NOP) to prepare the EIR will be published on April 27, 2007. The comment period for the NOP ends on May 28, 2007.

Service Delivery District: II – North Oakland
City Council District: 1
Action to be Taken: Receive public and Commission comments about what information and analysis should be included in the EIR.

For Further Information: Contact case planner **Heather Klein** at **510 238-3659** or by e-mail at hklein@oaklandnet.com.

4. Location: **8930 Macarthur Boulevard (APN: 043A-4638-022)**

Proposal: Revision to multi-unit approval CDV 04-447 to add 12 units for a total of 30 units.

Owner: Bob and Lois Kendall
Contact Person /Phone Number: Ken Lownery / (510) 836-5400
Case File Number: **REV 07-0014** revision of application Case No. CDV 04-447
Planning Permits Required: Design Review for residential facility greater than 25,000 SF within C-10/ R-30 Zoning Districts

(continued on page 6)



(continued from page 5)	Neighborhood Center
General Plan:	
Zoning:	C-10 Local Retail Commercial Zone R-30 One Family Residential Zone
Environmental Determination:	Exempt, Section 15183 and 15332 of the State CEQA Guidelines; Projects Consistent with a General Plan and Infill exemptions.
Historic Status:	Not a Potential Designated Historic Property;
Service Delivery District:	6
City Council District:	7
For further information:	Contact case planner Tanya Boyce at 510 238-2074 or by e-mail at tboyce@oaklandnet.com

Attachment: [Plan Set for Toler Oaks Condo](#)

5.	Location: One 9th Avenue
	Proposal: Consideration of a proposal for the adaptive reuse of the Ninth Avenue Terminal, per Condition of Approval No. 25 of the Oak to Ninth Development, to create a Vintner’s Hall, including a winemaking center, a tasting room, a waterfront restaurant, and a water-oriented recreation retail facility within 90,000 square feet of the Terminal building.
	Applicant: Ninth Avenue Terminal Partners LLC
	Contact Person/Phone Number: Stuart Rickard, (510) 499-9400
	Owner: Port of Oakland
	Case File Number: N/A
	Planning Permits Required: Amendment to Planned Waterfront District – 4 (Oak to Ninth)
	General Plan: Estuary Policy Plan - Planned Waterfront Development 4
	Zoning: OS(RSP) – Open Space, Regional Serving Park
	Environmental Determination: Environmental Impact Report for the Oak to Ninth Mixed Use Project Certified June 20, 2006
	Historic Status: Oakland Cultural Heritage Survey (OCHS) Rating A City of Oakland Landmark Status Pending
	Service Delivery District: San Antonio 3
	City Council District: 2, Pat Kernighan
	Status: Proposal is a response to RFP for adaptive reuse of 9 th Avenue Terminal
	Action to be Taken: Recommendation to the City Council
	For Further Information: Contact project planner Margaret Stanzione at (510) 238-4932 or by email at mstanzione@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.

6.	Location: 5107 Macarthur Blvd.; (APN 036-2503-009-00)
	Proposal: The appellants are opposing the General Plan Determination issued by Planning Staff on May 5, 2005 (DET 05-031), which re-designated the subject site from Detached Unit Residential to Mixed House Type. The applicant proposes to develop a multi-family residential structure at 5107 Macarthur Boulevard.
	Owner: Denis Jordan
	Contact Person/Phone Number: Javier Chavarria / (650)-355-8965
	Appellants: Beatriz Perez-Stable/ Alecto Caldwell
	Contact Person/Phone Number: Beatriz Perez-Stable/ (510) 535-2024
	Case File Number: (A05-238)
	Planning Permits Required: CD 07-029, PMW 07-005, T07-012
	General Plan: Detached Unit Residential
	Zoning: R-50 – Medium Density Residential
	Environmental Determination: An Initial Study Report must be prepared for this project.
	Historic Status: Vacant land
	Service Delivery District: 5
	City Council District: 6
	Status: This item was continued from the April 18, 2007 meeting.
	Action to be Taken: Review and advise the City Council regarding the appeal of the General Plan Determination (DET 05-031) which revised the General Plan designation of the subject site from Detached Unit Residential to Mixed House Type.
	For Further Information: Contact case planner Tanya Boyce at (510) 238-2074 or by email: tboyce@oaklandnet.com



Approval of Minutes: May 2, 2007

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 6, 2007