



Residential Appeals Committee

*C. Blake Huntsman, Chair
Sandra E. Gálvez, Vice Chair
Michael Colbruno*

**April 15, 2009
Regular Meeting**

Notice – Staff reports are now available on-line. See web site download instructions below.

CONVENE

5:00 P.M.

Hearing Room 1, City Hall

One Frank Ogawa Plaza

ROLL CALL

DISCUSSION

APPEALS


The Residential Appeals Committee will take testimony on each appeal. If you challenge a Residential Appeals Committee 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; provided, however, such issues were previously raised in the appeal itself.

Following testimony, the Residential Appeals Committee will vote on the report prepared by staff. If the Residential Appeals Committee 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 Residential Appeals Committee at a later date with appropriate findings and, as applicable, conditions of approval that the Residential Appeals Committee will consider in making a final decision.

Unless otherwise noted, the decisions in the following matters are final and not administratively appealable. Any party seeing 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.

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.

Staff reports are available on-line, generally one week prior to each 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 by clicking on the highlighted case file number. For further information, please call **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.



1.	<p>Location: 6363 Girvin Drive (APN: 048D-7303-034-00) (10/8/07)</p> <p>Proposal: Appeal of Zoning Administrator’s denial of application for Minor Variances to exceed the height limit (40’-0” allowed, 46’-10” proposed) and to waive the Secondary Unit requirement for a minimum 20’-0” roadway pavement width for all streets connecting the lot to the nearest arterial street; and a Category III Creek Protection Permit for development on creekside property, in order to create a 483 square foot secondary unit within an existing building envelope of 1,649 square foot single family dwelling and includes exterior rear deck reconstruction, exterior appearance alterations, and a new carport canopy . (See <i>Status</i> and <i>Action to be Taken</i> sections below)</p> <p>Appeal Case File: A08-230</p> <p>Appellant/A: Paul Welschmeyer</p> <p>Contact Person/Phone Number: Paul Welschmeyer / (510) 825-0783 or (510) 508-8576</p> <p>Owner: Kevin McLoughlin</p> <p>Case File Number: DV07-439, CP07-141</p> <p>Planning Permits Required: Regular Design Review for additions/alterations to a residential dwelling; Minor Variances to exceed the height limit (40’-0” allowed, 46’-10” proposed) and to waive the Secondary Unit requirement for a minimum 20’-0” roadway pavement width for all streets connecting the lot to the nearest arterial street; Category III Creek Protection Permit for development on creekside property</p> <p>General Plan: Hillside Residential</p> <p>Zoning: R-30 One-Family Residential Zone</p> <p>Environmental Determination: Exempt, Section 15270 of the State CEQA Guidelines: Projects which are disapproved;</p> <p>Historic Status: Not a Potential Designated Historic Property (PDHP); Survey rating: X</p> <p>Service Delivery District: 2</p> <p>City Council District: 4</p> <p>Status: Application denied August 5, 2008; Appealed August 11, 2008; The Residential Appeals Committee considered this Appeal on March 11, 2009 and voted to support the appeal and overturn staff’s denial of the application. On April 15, 2009, Findings in support of the project application will be presented for approval by the Committee.</p> <p>Action to be Taken: Adopt Findings pursuant to direction at the March 11, 2009 meeting</p> <p>Finality of Decision: Final Decision</p> <p>For Further Information: Contact case planner Caesar Quitevis at (510) 238-6343 or by email: clquitevis@oaklandnet.com</p>
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OPEN FORUM

At this time members of the public may speak on any item of interest within the Committee's jurisdiction, generally subject to a two-minute time limit per speaker.



ADJOURNMENT By 5:30 unless extended by a majority of Commissioners present. The regular business meeting of the Commission commences at 6:00 p.m.

NEXT REGULAR MEETING: To be determined