



*Mark McClure, Chair  
Colland Jang, Vice Chair  
Nicole Franklin  
Clinton Killian  
Suzie W. Lee  
Michael Lighty  
Anne Mudge*

**APRIL 6, 2005**  
**Regular Meeting**

**MEAL GATHERING 5:00 P.M.**

**Off Broadway Cafe & Catering Co., Cafe Deli, 416 15<sup>th</sup> Street**

**BUSINESS MEETING 6:30 P.M.**

**Hearing Room 1, City Hall, One Frank H. Ogawa Plaza**

***ROLL CALL***

**Present:** Jang, Killian, Lighty, McClure  
**Excused Absence:** Franklin, Mudge, Lee  
**Staff:** Cappio, Patton, Thombs - CEDA Planning and Zoning  
Faiz – City Attorney

***WELCOME BY THE CHAIR***

Chair McClure, welcomed all to the meeting and explained the conduct of meeting.

***COMMISSION BUSINESS***

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| <b>Agenda Discussion</b>      | Gary Patton - Item 7 was removed from the agenda   |
| <b>Director's Report:</b>     | Claudia Cappio - Leona Quarry Drainage Update  |
| <b>Committee Reports</b>      | none appearing   |
| <b>City Council Actions</b>   | Claudia Cappio – Two appeals on Wood Street will be scheduled on the May 3 <sup>rd</sup> City Council meeting. |
| <b>City Attorney's Report</b> | none appearing   |

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***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.***



**OPEN FORUM**

Sanjiv Handa, East Bay News Service  
Cynthia Shartzter, Lakeside Apt. Neighborhood Association

**CONSENT CALENDAR**

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| <b>1.</b> | <p><b>Location:</b> S/S of 51<sup>st</sup> St, between Manila and Coronado (APNs: 013-1137-045-02; -24-02; &amp; -027-02)</p> <p><b>Proposal:</b> To determine the appropriate zoning classification of one, City-owned surplus property prior to sale of property pursuant to Ordinance No. 11602 C.M.S.</p> <p><b>Owner/Applicant:</b> City of Oakland</p> <p><b>Contact Person/Phone Number:</b> City of Oakland Real Estate Division/ Barbara James (510)238-6362</p> <p><b>Case File Number:</b> ZR05-119</p> <p><b>Planning Permits Required:</b> Zoning Review for confirmation of zoning</p> <p><b>General Plan:</b> Mixed Housing Type Residential</p> <p><b>Zoning:</b> R-35 Special One-Family Residential Zone; S-18 Mediated Design Review Combining Zone</p> <p><b>Environmental Determination:</b> Exempt, Section 15312, State CEQ Guidelines, Surplus Government Property Sales</p> <p><b>Historic Status:</b> No historic record</p> <p><b>Service Delivery District:</b> 2</p> <p><b>City Council District:</b> 1</p> <p><b>Status:</b> Pending</p> <p><b>Action to be Taken:</b> Determination of zoning classification and recommendations to City Council based on staff report.</p> <p><b>Finality of Decision:</b> <i>Recommendation to City Council</i></p> <p><b>For Further Information:</b> Contact case planner <b>Robert Merkamp</b> at (510) 238-6283 or by email at <a href="mailto:rmerkamp@oaklandnet.com">rmerkamp@oaklandnet.com</a></p> |
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Robert Merkamp, case planner reviewed the item and answered questions.

Commissioner Lighty moved to affirm staff’s environmental determination, affirm that the sale of the property conforms with the City of Oakland’s general Plan, Land Use and Transportation Element, Confirm the existing R-35 Special One Family Residential zoning of the property located on 51<sup>st</sup> Street between Coronado Avenue and Manila and consisting of portions of APN’s 013-1137-045-02,-024-02and -027-02., seconded by Commissioner Killian

**ACTION:** On the motion: 4 ayes (Jang, Killian, McClure, Lighty,), 3 absent (Franklin, Lee, Mudge) Motion approved.



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| 2. | <p><b>Location:</b> 1430 8<sup>th</sup> Street (APN 004 -0067-015-00)<br/>816 Center St (APN 004 -0067-017-00)</p> <p><b>Proposal:</b> To determine the appropriate zoning classification of one, City-owned surplus property prior to sale of property pursuant to Ordinance No. 11602 C.M.S.</p> <p><b>Owner/Applicant:</b> City of Oakland</p> <p><b>Contact Person/Phone Number:</b> City of Oakland Real Estate Division/ Barbara James (510)238-6362</p> <p><b>Case File Number:</b> ZR05-120</p> <p><b>Planning Permits Required:</b> Zoning Review for confirmation of zoning</p> <p><b>General Plan:</b> Mixed Housing Type Residential</p> <p><b>Zoning:</b> R-36 Small Lot Residential Zone</p> <p><b>Environmental Determination:</b> Exempt, Section 15312, State CEQ Guidelines, Surplus Government Property Sales</p> <p><b>Historic Status:</b> No historic record</p> <p><b>Service Delivery District:</b> 1</p> <p><b>City Council District:</b> 3</p> <p><b>Status:</b> Pending</p> <p><b>Action to be Taken:</b> Determination of zoning classification and recommendations to City Council based on staff report.</p> <p><b>Finality of Decision:</b> <i>Recommendation to City Council</i></p> <p><b>For Further Information:</b> Contact case planner <b>Robert Merkamp</b> at (510) 238-6283 or by email at <b>rmerkamp@oaklandnet.com</b></p> |
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Robert Merkamp, case planner reviewed the application and answered questions.

Commissioner Lighty moved to affirm staff’s environmental determination, affirm that the sale of the property conforms with the City of Oakland’s general Plan, Land Use and Transportation Element, Confirm the existing R-36 Small lot Residential zoning of the properties located at 1430 8<sup>th</sup> Street and 816 Center Street with APN’s 004-0067-015,-017, seconded by Commissioner Killian.

**ACTION:** On the motion: 4 ayes (Jang, Killian, McClure, Lighty,), 3 absent (Franklin, Lee, Mudge) Motion approved.



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| <b>3.</b> | <b>Location:</b>                    | <b>1426 Alice Street, Malonga Casquelourd Arts Center (Alice Arts Center)</b>   |
|           | <b>Proposal:</b>                    | Application to designate 1426 Alice Street as a City of Oakland Landmark  |
|           | <b>Owner/Applicant:</b>             | City of Oakland   |
|           | <b>Case File Number:</b>            | <b>LM05-066</b>   |
|           | <b>Planning Permits Required:</b>   | Landmark Designation  |
|           | <b>General Plan:</b>                | Central Business District   |
|           | <b>Zoning:</b>                      | C-55-Central Core Commercial; S-4-Design Review Combining Zone; S-17-Downtown Residential Open Space Combining Zone.  |
|           | <b>Environmental Determination:</b> | Exempt per Sections 15061(3) and 15331 of the State CEQA Guidelines.  |
|           | <b>Historic Status:</b>             | A1+; Designated Historic Property (Preservation Study List); Local Register of Historical Resources; National Register Status – 3B, appears eligible both individually and as part of a district [Lakeside Apartment District, Area of Primary Importance (API)]    |
|           | <b>Service Delivery District:</b>   | Downtown Metro  |
|           | <b>City Council District:</b>       | 3   |
|           | <b>Status:</b>                      | The Landmark Preservation Advisory Board adopted a Resolution to initiate landmark designation, recommended landmark designation to the Planning Commission, and forwarded the landmark initiation to the Planning Commission for public hearing and consideration. |
|           | <b>Action to be Taken:</b>          | Recommend Landmark Designation and forward to City Council  |
|           | <b>Finality of Decision:</b>        | <i>City Council</i>   |
|           | <b>For further information:</b>     | Contact case planner <b>Joann Pavlinec</b> at <b>(510) 238-6344</b> or by email at <b><a href="mailto:jpavlinec@oaklandnet.com">jpavlinec@oaklandnet.com</a></b>  |

Joann Pavlinec, case planner, reviewed items 3,4,& 5.

Speakers: Cynthia Shartzter

Commissioner Lighty moved to affirm the environmental determination, and recommend that City Council adopt an ordinance designating the Malonga Casquelourd Arts Center at 1426 Alice Street, 150 Frank Ogawa Plaza, Broadway Building, and 1520 Lakeside Drive, Municipal Boathouse-former Parks and Recreation Administration Building as Oakland Landmarks, seconded by Commissioner Jang.

**ACTION:** On the motion: 4 ayes ( Jang, Killian, McClure, Lighty, ), 3 absent (Franklin, Lee, Mudge) Motion approved.



4.                   **Location:**   **150 Frank Ogawa Plaza, Broadway Building**  
                      **Proposal:**   Application to designate 150 Frank Ogawa Plaza, Broadway Building, as a City of Oakland Landmark  
                      **Owner/Applicant:**   City of Oakland  
                      **Case File Number:**   **LM05-068**  
                      **Planning Permits Required:**   Landmark Designation  
                      **General Plan:**   Central Business District  
                      **Zoning:**   C-55-Central Core Commercial; S-8-Urban Street Combining Zone; S-17-Downtown Residential Open Space Combining Zone.  
**Environmental Determination:**   Exempt per Sections 15061(3) and 15331 of the State CEQA Guidelines.  
                      **Historic Status:**   A1+; Designated Historic Property (Preservation Study List); Local Register of Historical Resources; National Register Status –ID, listed as contributor to the Downtown Historic District.  
                      **Service Delivery District:**   Downtown Metro  
                      **City Council District:**   3  
                      **Status:**   The Landmark Preservation Advisory Board adopted a Resolution to initiate landmark designation, recommended landmark designation to the Planning Commission, and forwarded the landmark initiation to the Planning Commission for public hearing and consideration.  
                      **Action to be Taken:**   Recommend Landmark Designation and forward to City Council  
                      **Finality of Decision:**   *City Council*  
                      **For further information:**   Contact case planner **Joann Pavlinec** at **(510) 238-6344** or by email at **jpavlinec@oaklandnet.com**

Discussion and action noted under item 3

5.                   **Location:**   **1520 Lakeside Drive, Municipal Boathouse-former Parks and Recreation Administration Building**  
                      **Proposal:**   Application to designate 1520 Lakeside Drive as a City of Oakland Landmark  
                      **Owner/Applicant:**   City of Oakland  
                      **Case File Number:**   **LM05-067**  
                      **Planning Permits Required:**   Landmark Designation  
                      **General Plan:**   Urban Open Space  
                      **Zoning:**   OS(RSP)-Open Space (Region Serving Park); S-4-Design Review combining Zone.  
**Environmental Determination:**   Exempt per Sections 15061(3) and 15331 of the State CEQA Guidelines.  
                      **Historic Status:**   A1+; Designated Historic Property (Preservation Study List and within Lake Merritt Landmark area); Local Register of Historical Resources; National Register Status – 3B, appears eligible individually and as part of a district (Lake Merritt API).  
                      **Service Delivery District:**   Downtown Metro  
                      **City Council District:**   3  
                      **Status:**   The Landmark Preservation Advisory Board adopted a Resolution to initiate landmark designation, recommended landmark designation to the Planning Commission, and forwarded the landmark initiation to the Planning Commission for public hearing and consideration.  
                      **Action to be Taken:**   Recommend Landmark Designation and forward to City Council  
                      **Finality of Decision:**   *City Council*  
                      **For further information:**   Contact case planner **Joann Pavlinec** at **(510) 238-6344** or by email at **jpavlinec@oaklandnet.com**



Discussion and action noted under item 3.

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| <b>6.</b> | <b>Location:</b>                    | <b>CITYWIDE</b>  |
|           | <b>Proposal:</b>                    | Amendment to Oakland Planning Code Chapter 17.102.170, Special regulations applying to massage service activities, to remove the minor Conditional Use Permit Requirement and add a reference to Oakland Municipal Code Chapter 5.36 |
|           | <b>Owner/Applicant:</b>             | Council President Ignacio De La Fuente   |
|           | <b>Case File Number:</b>            | ZT05-075   |
|           | <b>Planning Permits Required:</b>   | Zoning Text Amendment  |
|           | <b>Environmental Determination:</b> | Exempt 15061(b)(3), General Rule   |
|           | <b>Service Delivery District:</b>   | All  |
|           | <b>City Council District:</b>       | All  |
|           | <b>Status:</b>                      | Moratorium extend to June 10, 2005   |
|           | <b>Action to be Taken:</b>          | Review proposal, make recommendation to City Council   |
|           | <b>Finality of Decision:</b>        | Recommendation to City Council   |
|           | <b>For further information:</b>     | Contact <b>Chris Tom, Council District 2 Legislative Aide, (510) 238-7022</b>  |

Chris Candel, case planner, reviewed the application.

Speakers:

- Linnette Haynes, Sage Project Inc.
- Jennie Ong, Oakland Chinatown Chamber of Commerce
- Linda Aldridge, Private Practice, message therapist
- Cynthia Shertzer
- Lauren Berkman, EBALDC
- Officer Mario Bernudez, OPD
- Sanjiv Handa
- Sue Pettigrew

Commissioner Killian moved to recommend that the Oakland City Council adopt the Zoning Text Amendment to delete the minor Conditional Use Permit requirement and message definition Section 17.09.040 and 17.102.170, seconded by Commissioner Jang.

**ACTION:** On the motion: 4 ayes (Jang, Killian, McClure, Lighty), 3 absent (Franklin, Lee, Mudge) Motion approved.

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| <b>7.</b> | <b>Location:</b>         | <b>Citywide</b>  |
|           | <b>Proposal:</b>         | The proposed Parcel Mergers ordinance brings current City provisions into conformance with the State Subdivision Map Act regarding the requirements and circumstances under which two or more contiguous, substandard lots owned by the same person may be merged into one lot. Specifically, 1) consideration of a Merger Ordinance as a text amendment to Title 16, Subdivisions, of the Oakland Municipal Code (OMC); and 2) consideration of related text revisions to Section 17.106.010(A) of the Oakland Planning Code (OPC), regarding existing substandard parcels. |
|           | <b>Applicant:</b>        | City of Oakland  |
|           | <b>Case File Number:</b> | ZT05-112   |



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| <b>Environmental Determination:</b> | Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.   |
| <b>Action to be Taken:</b>          | Hold a public hearing, hear testimony from City staff and interested parties, and consider action on the proposed ordinance revising the OMC and OPC provisions on existing substandard parcels. |
| <b>Staff recommendation:</b>        | Recommend that the City Planning Commission vote to recommend approval to the City Council of the proposed ordinance revising the OMC and OPC provisions on existing substandard parcels.        |
| <b>For further information:</b>     | Contact Design Review supervisor <b>Ed Manasse</b> at 510-238-7733 or by email at <a href="mailto:emanasse@oaklandnet.com">emanasse@oaklandnet.com</a> .   |

**Item 7 Removed from the agenda prior to the meeting.**

***COMMISSION BUSINESS***

**Approval of Minutes:** **Moved to the next regular meeting** - February 16, 2005; March 2, 2005; January 5, 2005

***OPEN FORUM***

**ADJOURNMENT** 8:20 PM

**GARY V. PATTON**  
**Deputy Director of**  
**Planning and Zoning**