



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

July 5, 2006
Regular Meeting

MEAL GATHERING

5:30 P.M.

City Hall, Hearing Room 3, Oakland. Open to the public.
(Members of the public must bring their own sandwich if desired.
Consumption of food is not required to attend.)

BUSINESS MEETING

6:30 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. Community and Economic Development Agency, Planning and Zoning **the Friday before the meeting**, to any interested party, at the Division, 250 Frank H.

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.



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. 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

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.

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: 5862 Birch Court
APN: 048A-7062-013

Proposal: To construct a new detached two-story, 1,288 sq. ft. second dwelling unit on the rear yard of an existing single-family dwelling.

Applicant: Mark L. Guillem, AIA

Contact Person/Telephone: Mark L. Guillem, (510) 551-8065

Owner/ Telephone: Galen Cranz, (510) 658-9330

Case File Number: CMDV06304

Planning Permits Required: Major Conditional Use Permit for a new second unit dwelling in the R-35 Zone, Design Review for new construction, and Minor Variances for: 1) Building rear setback (15 feet required; 7 feet proposed), and 2) Off-street parking (three parking stalls required; two uncovered parking stalls proposed).

General Plan: Mixed Housing Type.

Zoning: R-35 Special One-Family Residential Zone.

Environmental Determination: Exempt, Section 15303 of the State CEQA Guidelines; Construction of a new second dwelling unit.

Historic Status: Potential Designated Historic Property, Survey Rating: C2 +.

Service Delivery District: 2

City Council District: 1

Status: Pending.

Action to be Taken: Decision on application based on staff report.

For Further Information: Contact case project planner **Mike Rivera** at (510) 238-6417 or by email at mrivera@oaklandnet.com

2.

Location: 3268 San Pablo Avenue (APN: 009-0722-007-00)

Proposal: New construction of a six story mixed use building containing 25 dwelling units and approximately 2,500 square feet of ground floor retail.

Applicant: Ronald Batiste

Contact Person/Phone Number: (510) 530-2480

Owner: Thabiti Mtambuzi

Case File Number: CMDV06-229

Planning Permits Required: Major Design Review for new construction of a building exceeding 25,000 square feet, Interim Conditional Use Permit for Residential Density allowed within the Urban Residential General Plan Area, and Minor Variances to allow reduced setbacks (Front Setback: 10'0" required; 0'0" proposed) (Street Side Setback: 10'0" required; 5'0" proposed at ground floor and 1'0" proposed at bay projections on upper floors), Minor Variances to allow 100% of required group open space at the rooftop levels, allow parking stall and aisle dimensions permitted in the S-12 Zone, and to exceed the maximum height within the R-36 Zoned portion of the property (35'0" max allowed; 40'6" proposed) and to exceed the maximum height at the interior side lot line adjacent to the R-36 Zone (30'0" max allowed at setback line; 66'0" proposed).

General Plan: Urban Residential

Zoning: C-30, District Thoroughfare Commercial
R-36, Small Lot Residential Zone

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects.

Historic Status: Not a Potentially Designated Historic Property; rating: *d3

Service Delivery District: 1

City Council District: 3

Action to be Taken: Decision on application based on Staff Report

Finality of Decision: Appealable to City Council

For Further Information: Contact case planner **Peterson Z. Vollmann** at (510) 238-6167 or by email: pvollman@oaklandnet.com.



3.	Project Name:	Lake Merritt Channel Wetland and Widening Project
	Location:	Lake Merritt Channel between Lake Merritt and I-880
	Assessors Parcel Numbers:	000O-0450-001; 000O-0450-002; 000O-0455-008-05; 000O-0455-0013; 000O-0455-001-01; 000O-0455-001-03; 000O-0455-001-07; 000O-0455-012; 000O-0455-015-02
	Proposal:	Widening and tidal restoration improvements proposed along the Lake Merritt Channel in association with the 12th Street Reconstruction Project, 10th Street Bridge Project, and Lake Merritt Channel Improvement Project at the 7th Street Flood Control Station.
	Owners and Applicant:	City of Oakland
	Case File Numbers:	<u>ER050015, CU06-299, CP06-110</u>
	Planning Permits Required:	Minor Conditional Use Permit and Regular Design Review to implement park and recreational improvements consistent with the Lake Merritt Master Plan adopted by the City Council.
	General Plan:	Park and Urban Open Space, Central Business District, Institutional, Urban Residential
	Zoning:	OS (LP), OS (LP)/S-4, OS (RCA)/S-4, S-2/S-4/S-17, S-2/S-4, R-80/S-4
	Environmental Determination:	A Draft Environmental Impact Report (DEIR) was published for a 45-day review period (April 14, 2006 to June 2, 2006).
	Historic Status:	None; There are historic buildings located within the immediate vicinity.
	Service Delivery District:	1, 3
	City Council District:	2
	Action to be Taken:	Certify Final Environmental Impact Report, Adopt the Mitigation Monitoring and Reporting Program, Approve the Project, and Approve the Conditional Use Permit, Design Review and Creek Protection Permit
	For Further Information:	Contact Lesley Estes , Watershed Improvement Program Supervisor, Environmental Services Division, at (510) 238-7431 or by e-mail at lcestes@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.

(No appeals on this Agenda)



Approval of Minutes: May 17, 2006

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 SPECIAL MEETING: July 12, 2006

NEXT REGULAR MEETING: July 19, 2006