



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

February 28, 2007
Special Meeting

MEAL GATHERING

5:45 P.M.

Sunnyside Conference Room, 250 Frank Ogawa Plaza, 2nd 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

6:30 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.

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.

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 Reports

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: 508, 488, 492 105 th Avenue (APN: 045-5368-004-01, 045-5368-005-03) (9/20/06)
	Proposal: To subdivide existing parcels into a total of eight parcels with two existing easements. No new units are proposed.
	Applicant: Rodney Cain
Contact Person/Phone Number:	Same (510)978-6010
	Owner: Clarence & Catherine Byal
	Case File Number: TTM7821 and CM07-051
Planning Permits Required:	Tentative Tract Map for the creation of five or more lots and a Conditional Use Permit for a subdivision between existing structures.
	General Plan: Detached Unit Residential
	Zoning: R-30, Single Family Residential Zone
Environmental Determination:	15332, In-Fill Development Projects
	Historic Status: Not a Historic Property
Service Delivery District:	6
City Council District:	7
	Status: Pending
	Action to be Taken: Decision based of staff recommendation
	Finality of Decision: <i>Appealable to City Council</i>
For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com

2.	Location: 879-899 Clay St.(APN#1-209-22/23/24)
	Proposal: Major Conditional Use Permit for the establishment of an new restaurant and bar
	Applicant: Lamont Connie/510-206-7382
Contact Person/Phone Number:	Lamont Connie
	Owner: Housewives Market LLC
	Case File Number: CM06-563
Planning Permits Required:	Major Conditional Use Permit
	General Plan: Central Business District
	Zoning: C-51/S-4/S-17
Environmental Determination:	Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
	Historic Status: Non Historic Property (NHP)
Service Delivery District:	2
City Council District:	3
	Status: Approve application with attached conditions.
	Action to be Taken: Pending
	Finality of Decision: <i>Appealable to City Council</i>
For Further Information:	Contact case planner Jacob Graef at (510) 777-8672 or by email at jgraef@oaklandnet.com .



3.

Project Name: Oak Knoll Community Development Plan

Location: Mountain Boulevard and Keller Avenue

Proposal: **Scoping Session** to receive comments on the Notice of Preparation (NOP) and Initial Study for Recommendation to Prepare a Supplemental Environmental Impact Report (SEIR) for the Oak Knoll Community Development Plan, a mixed-use development proposed for the former Oak Knoll Naval Medical Center (NMCO) site; Mountain Boulevard and Keller Drive

Applicant: SunCal Companies, Oak Knoll LLC

Contact Person/Phone

Number: Paul Jensen, Contract Planner (415) 479-9438

Owner: SunCal Companies, Oak Knoll LLC and City of Oakland Redevelopment Agency

Case File Number: **ER06-014**

Planning Permits Required: Planned Unit Development (PUD) Permit and Preliminary Development Plan, Vesting Tentative Tract Maps (2), Conditional Use Permit, Tree Removal Permit; Creek Permit; Final Development Plan and Design Review (not filed to date).

General Plan: Hillside Residential, Community Commercial, Institutional, Park & Urban Open Space and Resource Conservation

Zoning: R-30 (Single-Family Residential) District

Environmental Determination: EIS/EIR certified for the Final Base Re-Use Plan in 1998. SEIR is recommended to assess impacts of community plan.

Historic Status: Club Knoll building and adjacent garage structure, as well as historic assessment of other structures to be included in the SEIR.

Service Delivery District: District 6

City Council District: District 7 (Larry Reid)

Status: Notice of Preparation distributed on February 8, 2007.

Action to be Taken: Receive public and Commission comments as to what information and analysis should be included in the SEIR.

For Further Information: Contact case planner **Paul A. Jensen, Contract Planner** at (415) 479-9438 or by email at jensenaicp@aol.com

4. **Location:** 3311 – 4317 Macarthur Blvd

Assessors Parcel Number: (APN: 030 -1982-121 through 123)

Proposal: To construct a mixed use senior housing development containing 115 apartments and approximately 3,124 of ground level commercial space.

Applicant: AMG Associates

Contact Person /

Phone Number: Kristen Weirick (818)380-2600

Owners: Hahn Development/Hahn & Kang Equity (510)688-8350

Case File Number: CMDV06-426

Planning Permits Required: Major Conditional Use Permit to allow an increase in density for senior housing pursuant to Section 17.106.060.; Minor Conditional Use Permit for ground level parking in the C-31 zone, Minor Conditional Use Permit to reduce the required amount of parking as per section 17.116.110 of the O.P.C., Minor Variance for building height; Minor Variance for height of building adjacent to R-50 Zone; and Design Review.

General Plan: Neighborhood Center Mixed Use

Zoning: C-30 District Thoroughfare Commercial Zone
S-4 Design Review Combining Zone
C-31 Special Retail Commercial Zone

Environmental Determination: Infill Exemption; CEQA Guidelines Section 15332

Historic Status: No Historic Record – vacant lots

Service Delivery District: 4

City Council district 4

Date Filed: August 14, 2006

Staff Recommendation Decision based on staff report

Finality of Decision: Appealable to City Council within 10 days

For further information: Contact case planner **Robert D. Merkamp** at 510 238-6283 or by e-mail at rmerkamp@oaklandnet.com

5. **Location:** 1727 E 24th Street (APN: 022-0324-026-00)

Proposal: To construct a 4 unit residential building that totals 4,988 square feet. The residential building will be 2 stories in height over one level of parking. A subdivision of 1 lot to create 4 residential condominium units within a new residential building.

Applicant: David Miller

Contact Person/Phone Number: David Miller
(510) 658-5502

Owner: Oakland View Townhouses, LLC

Case File Number: **CDV05-507 and TPM8859**

Planning Permits Required: Conditional Use Permit for 4 units in the R-50 zone. Design Review for building 4 new residential units. Minor Variance for a 32 foot height building where 30 feet is required. Tentative Parcel Map to create 4 residential condominium units with a new residential building.

General Plan: Mixed Housing Type

Zoning: R-50, Medium Density Residential Zone

Environmental Determination: Exempt, Section 15303, State CEQA Guidelines, New construction of small new facilities and Section 15315, Minor land division.

Historic Status: Not a Potential Designated Historic Property (PDHP); survey rating: Vacant

Service Delivery District: 3

City Council District: 2

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 **Laura Kaminski** at **(510) 238-6809** or by email: **lkaminski@oaklandnet.com**



6.	Location:	4801 Shattuck Ave. (APN's: 013-1162-009-00; -009-02; -010-00)
	Proposal:	New Construction of a five story 44 unit residential condominium building.
	Applicant:	Bill Lambert
	Contact Person/Phone Number:	(510) 550-4200
	Owner:	4801 Shattuck, LLC
	Case File Number:	CMDV06-425 & TPM-9235
	Planning Permits Required:	Major Design Review for a new building in excess of 25,000 square feet, Major Conditional Use Permit for more than seven units in the R-70 & R-50 Zones and to allow the density permitted within the Urban Residential and Neighborhood Center Mixed Use General Plan areas, and Minor Variances for rear yard setback (15'0" required; 0'0" proposed), front yard setback (10'0" required; 0'0" proposed), side yard setback for portion of lot in the R-50 Zone (4'0" required; 0'0" proposed), street side setback (7'6" required; 0'0" proposed), and height variance within the R-50 Zoned portion of the lot (30'0" max height allowed; 57'0" proposed). Tentative Parcel Map for new condominiums.
	General Plan:	Neighborhood Center Mixed Use & Urban Residential
	Zoning:	R-70, High Density Residential Zone R-50, Medium Density Residential Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in fill development projects.
	Historic Status:	556-558 48 th Street is listed as a Potentially Designated Historic Property (PDHP); survey rating: Dc3
	Service Delivery District:	II – North Oakland
	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 Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@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.



Proposal:	Appeal of a Zoning Manager decision to issue a Zoning Clearance for a full service restaurant at 4130 Redwood Road (ZC06-2804). Appellant alleges that the site does not meet the parking requirements for such a use.
Appellant:	Steven Piser
Contact Person /Phone Number:	Dave Seyranian (510) 835-5582
Case File Number:	A06-551
Planning Permits Required:	Zoning Clearance
General Plan:	Community Commercial
Zoning:	C-20 Shopping Center Commercial
Environmental Determination:	Exempt, Section 15268 of the State CEQA Guidelines; Ministerial Project.
Historic Status:	Not a Potential Designated Historic Property;
Service Delivery District:	4
City Council District:	4
Status:	This item was previously on the January 17 and February 7, 2007 Planning Commission Agendas. A withdrawal of this Appeal may be forthcoming.
For further information:	Contact case planner Eric Angstadt at (510) 238-6190 or eangstadt@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes: February 7, 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 March 7, 2007

***Note starting time of 6:30 p.m. for this meeting**