



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

July 19, 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

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.



Friday before the meeting, to any interested party, at the 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. 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

Oak Knoll Development – Project Update

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.



Proposal:	To convert 6 units into 5 permanently affordable (198 year covenant) condominium units and one unrestricted condominium unit.
Owner:	Mariposa Grove CLT Homes, LLC
Contact Person /Phone Number:	Francis McIlveen (510) 548-7878 ext. 369
Case File Number:	TTM7781
Planning Permits Required:	Tentative Tract Map
General Plan:	Mixed Housing Type
Zoning:	R-40/S-18 Garden Apartment Residential with Mediated Design Review Combining Zone
Environmental Determination:	Exempt, Section 15301(k) of the State CEQA Guidelines; minor alterations to existing structures, change of ownership.
Historic Status:	Not a Potential Designated Historic Property.
Service Delivery District:	2
City Council District:	1
Action to be Taken:	Decision on application based on staff report
Finality of Decision:	Appealable to City Council
For further information:	Contact case planner Eric Angstadt at (510) 238-6190 or eangstadt@oaklandnet.com

2.	Location: 900 Market Street (APN 001 -0228-007-00) (6/27/06)
	Proposal: To construct a 55 unit senior affordable residential building and an additional 14,000 square feet of retail space as Phase II of the Jack London Gateway project.
	Owner: JLG Associates, LLC
Contact Person /Phone Number:	Karoleen Feng (510) 287-5353 ext. 352
Case File Number:	CMD06-255
Planning Permits Required:	Conditional Use Permit for senior housing and Design Review
General Plan:	Community Commercial
Zoning:	C-20/S-4 Shopping Center Commercial with Design Review Combining Zone
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; Infill exemption.
Historic Status:	Not a Potential Designated Historic Property;
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 Eric Angstadt at (510) 238-6190 or eangstadt@oaklandnet.com



3.	Location:	5920 San Pablo Avenue (APN: 015-1336-011- 02)
	Proposal:	Subdivide one lot into 9 to accommodate a mini lot development on 60 th Street containing eight homes located on individual mini lots served off of a Private Access Easement, and retaining one 14,165 square foot lot with frontage onto San Pablo Avenue, which will not be a part of the mini-lot development proposal.
	Applicant:	Dogtown Development Co., LLC/ Kathy Kuhner
	Contact Person/Phone Number:	(510) 985-0764
	Owner:	KG Partners LP
	Case File Number:	CMDV06-140 & TTM-7763
	Planning Permits Required:	Major Conditional Use permit for a mini-lot development containing more than two dwelling units in the R-40 Zoned portion of the property (8 units total for the entire project site), Regular Design Review for new construction of eight dwelling units, a minor variance for a reduced front yard setback within the R-40 Zoned Portion of the property (20'0" required; 10'0" proposed), and Tentative Tract Map for a nine lot subdivision.
	General Plan:	Mixed Housing Type Residential
	Zoning:	C-35, District Shopping Commercial Zone R-40, Garden Apartment Residential Zone S-18, Mediated Design Review Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in fill development projects.
	Historic Status:	Not a Potentially Designated Historic Property; rating: X
	Service Delivery District:	2
	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 .

4.	Location:	9849 Macarthur Boulevard
	Proposal:	Proposal to construct a ten unit mini-lot development.
	Applicant:	Andre King
	Contact Person/Phone Number:	(510)601-5560
	Owner:	Reverend Larry Atkins
	Case File Number:	CMD06-274
	Planning Permits Required:	Major Conditional Use Permit to allow 10 units in the R-50 Zone, Minor Conditional Use Permit for a mini-lot development, and Regular Design Review for new residential construction.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	R-50 Medium Density Residential Zone
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; infill development projects.
	Historic Status:	No historic record, vacant lot
	Service Delivery District:	6
	City Council District:	7
	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 Robert D. Merkamp at (510) 238-6283 or by email: rmerkamp@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.

5.	Location:	6137 La Salle Avenue (APN: 048F-7358-007-01)
	Proposal:	Appeal of an Administrative decision to deny a Minor Conditional Use Permit for expansion of a Financial and Consultative use (Real Estate Office) at the ground floor.
	Applicant/ Appellant:	Daniel Myers
	Contact Person/Phone Number:	(510) 834-6600
	Owner:	Francis Torrano
	Case File Number:	A06-195 (CU05-623)
	Planning Permits Required:	Minor Conditional Use permit for expansion of a Financial and Consultative Use (Real Estate Office) at the ground floor within the C-27 Zone.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	C-27, Village Commercial Zone
	Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines; projects that are disapproved, and Section 15301, existing facilities
	Historic Status:	Not a Potentially Designated Historic Property; rating: X
	Service Delivery District:	2
	City Council District:	4
	Status:	The application was denied by the Zoning Administrator on April 7, 2006. The approval was subsequently appealed by the appellant on April 17, 2006.
	Action to be Taken:	Decision on appeal based on Staff Report and Public Testimony
	Finality of Decision:	Final Decision
	For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@oaklandnet.com .

6.	Location:	1630 High Street
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Assessors Parcel Number:	035-2357-019-01
Proposal:	Appeal of Director of Development's Determination that a Major Conditional Use Permit is required because tenant improvements will increase the non-conformity of the existing or proposed activity.
Case File Number:	A06-082
Appellant:	Red Mountain Retail Group c/o Peter Blied
Contact Person/Phone Number:	Peter Blied 714-460-1550
Planning Permits Required:	Major Conditional Use Permit for an alteration of a non-conforming activity in the C-30 zone pursuant to 17.114.080.
General Plan:	Community Commercial
Zoning:	C-30, District Thoroughfare Commercial Zone
Environmental Determination:	Exempt; Section 15301 State CEQA Guidelines
Historic Status:	Not a Historic Property; survey rating: n/a
Service Delivery District:	5
City Council District:	5
Date Filed:	February 24, 2006
Status:	This item was continued from the June 21, 2006 meeting.
Staff recommendation:	Uphold the Director of Development's Determination and deny the appeal
For further information:	Contact Director of Development Claudia Cappio at 510-238-2229 or ccappio@oaklandnet.com.

COMMISSION BUSINESS

Approval of Minutes: June 21, 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 REGULAR MEETING: August 16, 2006