



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

December 13, 2006
Special Meeting

Revised 12-11-06*

MEAL GATHERING

5:15 P.M.

Hearing Room 3, City Hall, One Frank Ogawa Plaza, 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

6:00 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:	5733 San Leandro Street (APN: 041-3848-013-03)
Proposal:	To legalize 20 existing joint living and working quarters (JLWQ) within an existing warehouse. Resubmittal of previously approved project CM02-574, which was approved on July 16, 2003 but expired because the permit was never completed. This item is continued from the August 16, 2006 Planning Commission meeting.
Applicant:	Saul Pichardo
Contact Person/Phone Number:	Saul Pichardo (510) 385-6820
Owner:	Linda C. Hothem/Trustee, of Hothem Non-Exempt Trust
Case File Number:	CM06-181
Planning Permits Required:	Major Conditional Use Permit to create more than 25,000 square feet of new joint living and working quarters in a zone that does not permit residential activities.
General Plan:	General Industrial and Transportation
Zoning:	M-40, Heavy Industrial Zone
Environmental Determination:	Exempt, Section 15332, State CEQA Guidelines, Infill Development.
Historic Status:	Potential Designated Historic Property (PDHP); survey rating: C2+
Service Delivery District:	5
City Council District:	6
Status:	This item was continued from the August 16, 2006 Planning Commission Meeting.
Action to be Taken:	Decision on application based on staff report.
Finality of Decision:	<i>Appealable to City Council</i>
For Further Information:	Contact case planner Laura Kaminski at (510) 238-6809 or by email: lkaminski@oaklandnet.com

2.

Location:	4610 International Blvd.(035-2359-022-01)
Proposal:	Major Conditional Use Permit for Off-sale Alcoholic Beverage Commercial Sales Activity in an existing restaurant.
Applicant:	Eduardo Pelayo
Contact Person/Phone Number:	Eduardo Pelayo/ 510-533-2222
Owner:	William Chan
Case File Number:	CM06-281
Planning Permits Required:	Major Conditional Use Permit
General Plan:	Urban Residential
Zoning:	C-40
Environmental Determination:	Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
Historic Status:	Non Historic Property (NHP)
Service Delivery District:	4
City Council District:	5
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 .

NOTE: Item #2 has been continued to an indefinite date.



3. **Location:** 367-377 2nd Street, 370-380 Embarcadero
(APN: 001 -0143-008-00, 001 -0143-007-00, 001-0143-010-00)
Proposal: Demolition of three existing structures and construction of a 9-story building containing 4,028 sq. ft. of ground floor retail, 96 units, and 128 parking spaces.
Applicant: Marge Vincent
Contact Person/Phone Number: William Duncanson c/o Ian Birchall + Associates / (415) 512-9660
Owner: 370 Embarcadero LLC
Case File Number: [CDV06-428; TPM 9263](#)
Planning Permits Required: Minor Conditional Use Permit for accessory parking and driveways within 75' of the front lot line; Minor Variance for parking space dimensions in a parking garage when adjacent to a wall or other obstruction; Major Design Review; and a Vesting Tentative Parcel Map for condominium purposes.
General Plan: Mixed-Use District (Estuary Policy Plan)
Zoning: C-45 Community Shopping Commercial Zone
S-4 Design Review Combining Zone
Environmental Determination: Infill Exemption; CEQA Guidelines Section 15332
Historic Status: 368-370 Embarcadero is rated Ed3; 367 2nd Street is rated Dc3; and the building on the through-lot at 377 2nd Street and 380 Embarcadero is the Jack London Arcade, rated C1+ (all ratings by the Oakland Cultural Heritage Survey). On July 12, 2006 the LPAB found that the Jack London Arcade was not a Potentially Designated Historic Property or a contributor to the Produce Market Historic District.
Service Delivery District: Downtown Metro
City Council District: 3
Status: Staff Report (findings contained)
Action to be Taken: Decision based on staff report
Finality of Decision: Appealable to City Council within 10 days
For Further Information: Contact case planner **Heather Klein** at **510 238-3659** or by e-mail at hklein@oaklandnet.com.

4. **Location:** 510-514 7th Street (APN 001-0203-020-00)
Proposal: New construction of a five-story, mixed-use project including 24 residential units, ground floor retail space, parking at and below grade, and roof-top open space.
Applicant: Stephen Antonaros
Contact Person/Phone Number: (415)864-2261
Owner: Mary Tom
Case File Number: [DV06-464](#)
Planning Permits Required: Major Design Review per Zoning code Section 17.136.060 (Projects that involve 25,000 square feet of floor area and located in the C-52 zone), minor variances for height and rear yard setback.
General Plan: Central Business District
Zoning: C-52 – Old Oakland Commercial Zone; S-7 – Preservation Combining Zone; S-8 – Urban Street Combining Zone; S-17 – Downtown Residential Open space Combining Zone.
Environmental Determination: To be determined
Historic Status: Vacant Lot in the Victorian Row, City of Oakland Historic District (R76-28 – 4/13/76)
Service Delivery District: Downtown Metro
City Council District: 3 – Nancy Nadel
For Further Information: Contact **Joann Pavlinec** (510) 238-6344, jpavlinec@oaklandnet.com



- 5.**
- Location:** 1614 Campbell Street (APN 007-0560-001-02)
- Proposal:** Restoration and conversion of the existing GE building into 92 work-live units and construction of a new 40 unit residential condominium building.
- Applicant:** Madison Park Financial
- Contact Person/Phone Number:** Simon Chen, Madison Park Financial/ (510) 452-2944
- Owner:** Stanley Greitzer
- Case File Number:** [CM06-005 & TPM-7741](#)
- Planning Permits Required:** Regular Design Review for new construction, Major Conditional Use Permit to allow for a development that deemed complete prior to the adoption of the HBX Regulations, and Tentative Parcel Map for condominiums.
- General Plan:** Housing and Business Mix
- Zoning:** HBX-2, Housing and Business Mix 2 Zone
- Environmental Determination:** Exempt, Section 15332, State CEQA Guidelines; in-fill development projects
- Historic Status:** The subject building is a Designated Historic Property; rating: B+a3
- Service Delivery District:** 1
- City Council District:** 3
- Status:** Pending
- Action to be Taken:** Decision on application based on staff report and public testimony
- Finality of Decision:** Appealable to City Council
- For Further Information:** Contact case planner **Peterson Z. Vollmann** at **(510) 238-6167** or by email at pvollman@oaklandnet.com

- 6.**
- Location:** 2237 62nd Avenue (APN 038 -3210--003-00) (10/4/06)
- Proposal:** Tentative Tract Map to subdivide one parcel into 10 lots and a Major Conditional Use Permit to create a mini-lot development & subdivide between existing buildings.
- Applicant:** Chip Griffin
- Contact Person/Phone Number:** Chip Griffin (925)988-9188
- Owner:** Stephanie Harriman
- Case File Number:** [TTM7844/CM06-494](#)
- Planning Permits Required:** Tentative Tract Map to subdivide one parcel into 10 lots and a Major Conditional Use Permit to create a mini-lot development & subdivide between existing buildings.
- General Plan:** Mixed Housing Type Residential
- Zoning:** R-50 Medium Residential Zone
- Environmental Determination:** A Draft Environmental Impact Report was published for a 45-day review period (May 2, 2006 through June 16, 2006).
- Historic Status:** Exempt, Section 15332 of the State CEQA Guidelines; in-fill development
- Service Delivery District:** 5
- City Council District:** 6
- Status:** Pending
- Action to be Taken:** Contained in staff report
- Finality of Decision:** Appealable to City Council
- For Further Information:** Contact **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.

COMMISSION BUSINESS

Approval of Minutes: October 18, 2006 and November 1, 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 December 20, 2006

*** Revised 12-11-06 to note item #2 as being continued to an indefinite date**

****Note new starting time of 6:00 p.m.**