



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

December 20, 2006
Regular Meeting

REVISED 12-13-06*

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.

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.**

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.



**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:	1511 Franklin St. (APN#008-0622-002-00)
Proposal:	Major Conditional Use Permit for the expansion of an existing bar.
Applicant:	Aaqil Ansar
Contact Person/Phone Number:	Aaqil Ansar/ 510-465-4444
Owner:	Won Km
Case File Number:	CM06-502
Planning Permits Required:	Major Conditional Use Permit
General Plan:	Urban Residential
Zoning:	C-55/S-12
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 .

NOTE: ITEM #1 HAS BEEN CONTINUED TO AN INDEFINITE DATE.

2.

Location:	1148 71st Street (APN: 041 -4135-028-00)
Proposal:	To determine the appropriate zoning classification of one City-owned surplus property pursuant to Ordinance No. 11602 C.M.S.
Applicant:	City of Oakland
Contact Person:	City of Oakland Real Estate Services Division, Barbara James
Phone Number:	(510) 238-6362
Owner:	City of Oakland
Case File Number:	ZR 06-599
Planning Permits Required:	Zoning Review to determine the appropriateness of the current R-50 zoning.
General Plan:	Detached Unit Residential
Zoning:	R-50 Medium Density Residential Zone
Environmental Determination:	Exempt, Section 15061(b)(3) of the State CEQA Guidelines: CEQA only applies to projects which have the potential for causing a significant effect on the environment Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning Exempt, Section 15312 of the State CEQA Guidelines: Surplus Government Property Sales
Historic Status:	Not a Potential Designated Historic Property Survey Rating: X
Service Delivery District:	5
City Council District:	7
Status:	Pending
Action to be Taken:	Determination of appropriate zoning classification and recommendation to the City Council based on staff report
Finality of Decision:	Recommendation to the City Council
For further information:	Contact case planner Sung H. Kwon, AICP at (510) 238-6414 or skwon@oaklandnet.com .



3.	Location:	4201 Foothill Boulevard (APN: 035 -2352-001-02)
	Proposal:	To determine the appropriate zoning classification of one City-owned surplus property pursuant to Ordinance No. 11602 C.M.S.
	Applicant:	City of Oakland
	Contact Person:	City of Oakland Real Estate Services Division, Barbara James
	Phone Number:	(510) 238-6362
	Owner:	City of Oakland
	Case File Number:	ZR 06-600
	Planning Permits Required:	Zoning Review to determine the appropriateness of the current R-40 and C-30 zoning designation. May include partial rezoning from R-40 to C-30.
	General Plan:	Community Commercial
	Zoning:	R-40 Garden Apartment Residential Zone C-30 District Thoroughfare Commercial Zone
	Environmental Determination:	Exempt, Section 15061(b)(3) of the State CEQA Guidelines: CEQA only applies to projects which have the potential for causing a significant effect on the environment Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning Exempt, Section 15312 of the State CEQA Guidelines: Surplus Government Property Sales
	Historic Status:	Not a Potential Designated Historic Property No Survey Rating
	Service Delivery District:	5
	City Council District:	5
	Status:	Pending
	Action to be Taken:	Determination of appropriate zoning classification and recommendation to the City Council based on staff report
	Finality of Decision:	Recommendation to the City Council
	For further information:	Contact case planner Sung H. Kwon at (510) 238-6414 or skwon@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: November 15, 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.

****SPECIAL MEETING NOTICE****

PLANNING COMMISSION HOLIDAY DINNER

Location: Garibaldi's, 5356 College Avenue, Oakland

Time: *Immediately Following the Business Meeting*

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 January 3, 2007

*** The agenda was revised 12-13-06 to note item #1 as being continued to an indefinite date.**

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