



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

**January 3, 2007**  
**Regular Meeting**

**MEAL GATHERING**

**5:00 P.M.**

**Saigon Restaurant, 326 Frank Ogawa Plaza, Oakland.**

Open to the public. (Members of the public may purchase 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.

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***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 3<sup>rd</sup> 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](http://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**

Discussion and Re-assignment of Planning Commission Committees

**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:** Citywide
- Proposal:** Scoping Session for a Draft Environmental Impact Report for implementation of Measure DD projects generally described as:
- Lake Merritt and Lake Merritt Channel Improvements
  - Oakland Waterfront Trail and Access Improvements
  - East and North Oakland Recreational Facilities
  - City-wide Creeks Restoration and Preservation
- Applicant:** City of Oakland Public Works Agency
- Contact Person/Phone Number:** Joel Peter (510) 238-7276
- Owner:** City of Oakland Public Works Agency
- Case File Number:** ER06-0017
- Planning Permits Required:** Planning Permits include but are not limited to: Design Review and Conditional Use Permits; Tree Removal, Grading Permits, Creek Permits, and Encroachment Permits may also be required for distinct Measure DD activities.
- General Plan:** Measure DD projects are proposed throughout the City and hence are governed by multiple General Plan designations
- Zoning:** Measure DD projects are proposed throughout the City and hence are governed by multiple zoning designations
- Environmental Determination:** EIR being prepared
- Historic Status:** Municipal Boat House, Studio One Art Center, Lake Merritt Pergola, East 18<sup>th</sup> Street Pier, and other historic facilities to be determined through the Environmental Impact Report analysis process.
- Service Delivery District:** Districts 1-7 and Metro Downtown (Citywide)
- City Council District:** Districts 1-7 (Citywide)
- Status:** Notice of Preparation distributed on December 8, 2006.
- Action to be Taken:** Receive public and Commission comments about what information and analysis should be included in the Draft Environmental Impact Report
- For Further Information:** Contact case planner **Elois A. Thornton** at (510) 238-6284 or by email at [eathornton@oaklandnet.com](mailto:eathornton@oaklandnet.com)



<b>2.</b>	<p><b>Location:</b> 2222 E 15<sup>th</sup> Street (APN 020-0160-010-01)</p> <p><b>Proposal:</b> To subdivide an 10,500 sq. ft. parcel into four Mini-Lots ranging in size from 2,470 sq. ft. to 3,150 sq. ft. and to construct three new single-family dwellings and preserve the existing single-family dwelling.</p> <p><b>Owner:</b> Orinda Development of Investment, LLC</p> <p><b>Contact Person/Phone Number:</b> Cityshapers, Dwane Jensen Kennedy (510) 836-9300</p> <p><b>Case File Number:</b> <b>CMDV05-547 / TPM8610</b></p> <p><b>Planning Permits Required:</b> Tentative Parcel Map for a 4-lot subdivision, Minor Conditional Use Permit for a Mini-Lot Development, Major Conditional Use Permit for four units in the R-36 Zone, Minor Variance to allow a reduced front yard setback of 9'-10" (where 20'-0" is required), and Regular Design Review for new residential construction.</p> <p><b>General Plan:</b> Mixed Housing Type Residential</p> <p><b>Zoning:</b> R-36 Small Lot Residential Zone</p> <p><b>Environmental Determination:</b> Exempt; State CEQA Guidelines: Section 15303, Small Structures; Section 15315, Minor Land Divisions; 15183, Projects Consistent with General Plan;</p> <p><b>Historic Status:</b> No Historic Status</p> <p><b>Service Delivery District:</b> III</p> <p><b>City Council District:</b> 2</p> <p><b>Status:</b> Pending</p> <p><b>Action to be Taken:</b> Action to be taken based on staff report.</p> <p><b>Finality of Decision:</b> Appealable to City Council</p> <p><b>For Further Information:</b> Contact case planner Leigh McCullen at (510) 238-4977 or by email at <a href="mailto:lmccullen@oaklandnet.com">lmccullen@oaklandnet.com</a></p>
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**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.

<b>3.</b>	<b>Location: 4130 Redwood Road (APN 037 -2570-008-00) (1/3/07)</b>
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<b>Proposal:</b>	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.
<b>Appellant:</b>	Steven Piser
<b>Contact Person /Phone Number:</b>	Dave Seyranian (510) 835-5582
<b>Case File Number:</b>	<b>A06-551</b>
<b>Planning Permits Required:</b>	Zoning Clearance
<b>General Plan:</b>	Community Commercial
<b>Zoning:</b>	C-20 Shopping Center Commercial
<b>Environmental Determination:</b>	Exempt, Section 15268 of the State CEQA Guidelines; Ministerial Project.
<b>Historic Status:</b>	Not a Potential Designated Historic Property;
<b>Service Delivery District:</b>	4
<b>City Council District:</b>	4
<b>For further information:</b>	Contact case planner <b>Eric Angstadt</b> at (510) 238-6190 or eangstadt@oaklandnet.com

**COMMISSION BUSINESS**

**Approval of Minutes: December 13, 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** January 17, 2007

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