



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

**April 4, 2007**  
**Regular Meeting**

**MEAL GATHERING**

**5:00 P.M.**

**Le Cheval Restaurant, 1007 Clay Street, 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 Report** A. Discussion of the existing Condominium Conversion regulations with respect to two areas: i) **Consideration of Secondary Units** for conversion rights, and ii) **Consideration of multiple units** (2 or more) under common ownership as 1 condominium unit (with 1 unit owner-occupied and all other units rented out); [Code Section 16.36]



## **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.

<b>1.</b>	<b>Location:</b>	<b>1357 5<sup>th</sup> Street (APN: 000O-0390-010-07)</b>
	<b>Proposal:</b>	To extend the approval for the construction of a five story, 775 space parking garage and three buildings up to eight stories tall containing a total of 132 residential units with 35,800 square feet of ground floor commercial space.
	<b>Applicant:</b>	Alliance for West Oakland Development
<b>Contact Person/Phone Number:</b>		Lucy Armentrout/(510)903-2052
	<b>Owner:</b>	Alliance for West Oakland Development
	<b>Case File Number:</b>	<a href="#">CMDV03-051</a>
	<b>Planning Permits Required:</b>	<b>Time Extension of the following approvals:</b> major conditional use permit for a facility over 100,000 square feet in the S-15 Zone; conditional use permit for providing parking for commercial activities in the S-15 Zone; minor variances for height (55'-0" maximum; up to 90'-0" proposed) and required loading births; design review approval for new construction in the S-15 Zone.
	<b>General Plan:</b>	Community Commercial
	<b>Zoning:</b>	M-20, Light Industrial Zone; S-15 Transit Oriented Development Zone
<b>Environmental Determination:</b>		Mitigated Negative Declaration previously certified.
	<b>Historic Status:</b>	Non-historic Property (NHP); survey rating: NA
	<b>Service Delivery District:</b>	I – West Oakland
	<b>City Council District:</b>	3
	<b>Status:</b>	Extension of previous approval requested.
	<b>Action to be Taken:</b>	Decision on extension based on staff report.
	<b>Finality of Decision:</b>	Final Decision
	<b>For Further Information:</b>	Contact case planner <b>Neil Gray</b> at <b>510-238-3878</b> or <a href="mailto:ngray@oaklandnet.com">ngray@oaklandnet.com</a>



2.	<b>Location:</b>	<b>4801 Shattuck Ave. (APN's: 013-1162-009-00; -009-02; -010-00)</b>
	<b>Proposal:</b>	New Construction of a five story 44 unit residential condominium building.
	<b>Applicant:</b>	Bill Lambert
	<b>Contact Person/Phone Number:</b>	(510) 550-4200
	<b>Owner:</b>	4801 Shattuck, LLC
	<b>Case File Number:</b>	<b>CMDV06-425 &amp; TPM-9235</b>
	<b>Planning Permits Required:</b>	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 "Best Fit" Zone, 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 (10'0" required; 0'0" proposed), front yard setback (10'0" required; 0'0" proposed), side yard setback for portion of lot adjacent to the R-50 Zone (10'0" required; 0'0" proposed), street side setback (5'0" required; 0'0" proposed), and encroachment into the "height reduction plane" from the minimum required setbacks. Tentative Parcel Map for new condominiums.
	<b>General Plan:</b>	Neighborhood Center Mixed Use & Urban Residential
	<b>Zoning:</b>	R-70, High Density Residential Zone R-50, Medium Density Residential Zone
	<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines; in fill development projects; 15183 Projects consistent with the General Plan or Zoning.
	<b>Historic Status:</b>	556-558 48 <sup>th</sup> Street is listed as a Potentially Designated Historic Property (PDHP); survey rating: Dc3
	<b>Service Delivery District:</b>	II – North Oakland
	<b>City Council District:</b>	1
	<b>Status:</b>	This item was before the Commission on February 28, 2007, and was continued to an indefinite date due to a traffic study issue. The traffic issue has now been resolved.
	<b>Action to be Taken:</b>	Decision on application based on Staff Report
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Peterson Z. Vollmann</b> at (510) 238-6167 or by email: <a href="mailto:pvollman@oaklandnet.com">pvollman@oaklandnet.com</a> .

## 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)

***COMMISSION BUSINESS***

**Approval of Minutes:** March 7 and March 21, 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:*** April 18, 2007

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