



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

May 2, 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. *


Council Chambers, 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 Report

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: 2286 San Pablo Avenue (APN 008 -0662-012-00) (4/10/07)

Proposal: To revise an earlier Major Conditional Use Permit to allow Transitional Housing at a former convent for up to 40 men as part of the overall St. Vincent de Paul Society complex on San Pablo Avenue.

Owner: Society of St. Vincent de Paul of Alameda County

Contact Person /Phone Number: Sean Heron (510) 610-5746

Case File Number: REV07-004

Planning Permits Required: Major Conditional Use Permit for transitional housing

General Plan: Urban Residential

Zoning: C-35 District Shopping Commercial

Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; Existing Facilities

Historic Status: PDHP Dc2*; ASI contingency contributor, minor importance

Service Delivery District: 1

City Council District: 3

For further information: Contact case planner **Eric Angstadt** at (510) 238-6190 or eangstadt@oaklandnet.com

2.

Location: 1511 Franklin Street (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: Appealable to City Council

For Further Information: Contact case planner **Jacob Graef** at (510) 777-8672 or by email at jgraef@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.

3.	Location:	Butters Drive (APN 029-1151-052-00)
	Proposal:	Appeal of the Zoning Manager’s Approval of a Tentative Parcel Map to subdivide a 34,657 square foot lot into one 13,747 lot and one 20,910 square foot lot and Minor Conditional Use to provide access to the proposed lots via a common driveway.
	Appellant:	Connie Skoog
	Project Applicant:	Richard Vaterlaus
	Case File Number:	TPM-8156, CU05-020
	Planning Permits Required:	Tentative Parcel Map to subdivide a 34,657 square foot parcel into a 13,747 lot and a 20,910 square foot lot and Minor Conditional Use to provide access to the proposed lots via a common driveway.
	General Plan:	Hillside Residential
	Zoning:	R-20 Low Density Residential
	Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines, Infill Development
	Historic Status:	Vacant Parcel, No Survey Rating
	Service Delivery District:	IV
	City Council District:	4
	For further information:	Contact case planner Leigh McCullen at (510) 238-4977 or lmccullen@oaklandnet.com .



4.	Location:	5253 College Avenue (APN: 014-1240-004-00)
	Proposal:	Appeal of an Administrative decision to approve a mixed use development containing six dwelling units over ground floor commercial.
	Appellant:	Bert Verrips
	Applicant/Phone Number:	Kirk Peterson - (510) 834-6600
	Owner:	Kirk Peterson
	Case File Number:	A07-090 (CDV06-604)
	Planning Permits Required:	Design Review for new construction, Minor Variance to allow more than 20% of the required group open space on the rooftop, and Conditional Use permits for ground floor parking and re-establishment of the existing non-retail ground floor use (Financial and Consultative – Architecture firm).
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	C-31, Special Retail Commercial Zone
	Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines, New construction of small structures Exempt, Section 15183 of the State CEQA Guidelines, Projects consistent with a community plan, general plan, or zoning
	Historic Status:	Not a Potentially Designated Historic Property; rating: X
	Service Delivery District:	2
	City Council District:	1
	Status:	The application was approved by the Zoning Manager on February 28, 2007. The approval was subsequently appealed by the appellant on March 9, 2007.
	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 .

5.	Location:	6590 Swainland Road (APN 048H-7563-065-00) (3/15/07)
	Proposal:	Appeal of a Zoning Administrator Approval of Tentative Parcel Map TPM 9315, to subdivide an existing parcel containing one single-family dwelling into two separate parcels. Appellant alleges the Planning Department decision conflicts with Oakland City Council Resolution No. 57247 C.M.S. dated May 23, 1978.
	Applicant/Owner:	Jeff Reuvekamp / Reuvekamp Residential Builder (Applicant/Owner) Jarvis Architects (Representative)
	Contact Person/Phone Number:	(925)253-0410
	Appellants/Phone Number:	Kenneth Lem / (510)549-5030
	Case File Number:	A07-099/TPM 9315
(continued on page 7)		



(continued from page 6)

Planning Permits Required: Tentative Parcel Map to subdivide one lot into two lots, per Title 16 of Oakland Municipal Code (Subdivision) and California Government Code & 66474 Chapter 4, Subdivision Map.

General Plan: Hillside Residential

Zoning: R-30, One-Family Residential Zone
S-18 Mediated Residential Design Review Combining Zone.

Environmental Determination: Exempt; Section 15332 of State CEQA Guidelines; Infill Development Project.
Exempt; Section 15183 of the State CEQA Guidelines: project consistent with a Community Plan, General Plan or Zoning.

Historic Status: Not a Historic Property

Service Delivery District: 1

City Council District: 2

Action to be Taken: Uphold the Zoning Administrator's approval and deny the appeal

Date Filed: March 15th, 2007

For further information: Contact case planner **Jason Madani** at (510) 238-4790 or jmadani@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes:

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: May 16, 2007

*** Note Starting Time of 6:00 P.M.**