



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

**February 7, 2007**  
**Regular Meeting**

**REVISED 2-1-07 \*(SEE END OF AGENDA)**

**CONFLICT OF INTEREST TRAINING**

**4:30 P.M.**

**Hearing Room One, City Hall, One  
Frank H. Ogawa Plaza.**

**MEAL GATHERING**

**5:30 P.M.**

**Sunnyside Conference Room, 250 Frank Ogawa Plaza, 3<sup>rd</sup>  
Floor, 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

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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.



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 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**

**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:** 5427 Telegraph Ave. (APN # 014-1221-002-6)

**Proposal:** Establish a new retail space with alcoholic beverage sales commercial activity (wine store).

**Applicant:** David Sharp

**Contact Person/Phone Number:** David Sharp (510) 409-0661

**Owner:** Telegraph Business Properties

**Case File Number:** CM06-533

**Planning Permits Required:** Major Conditional Use Permit

**General Plan:** Urban Residential

**Zoning:** C-28/R30

**Environmental Determination:** Exempt, CEQA Guidelines (General Rule Exemption) Section 15301

**Historic Status:** Non Historic Property (NHP)

**Service Delivery District:** 2

**City Council District:** 1

**Status:** Approve the application with attached land use restrictions.

**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](mailto:jgraef@oaklandnet.com).

**2.**

**Location:** 2237 62<sup>nd</sup> Avenue (APN 038 -3210-003-00) (10/4/06)

**Proposal:** Tentative Tract Map to subdivide one parcel into 9 lots and a Major Conditional Use Permit to create a mini-lot development & subdivide between existing buildings. Note this project had previously been noticed in late 2006 as a 10 lot subdivision but the application has been modified to be as described above.

**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 9 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:** Exempt, Section 15332 of the State CEQA Guidelines; in-fill development

**Historic Status:** Not a Potential Designated Historic Property, Survey Rating: Fd3

**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](mailto:rmerkamp@oaklandnet.com)



<b>3.</b>	<b>Location:</b>	<b>508, 488, 492 105<sup>th</sup> Avenue (APN: 045-5368-004-01, 045-5368-005-03) (9/20/06)</b>
	<b>Proposal:</b>	To subdivide existing parcels containing two duplexes into a total of eight parcels with two existing easements.
	<b>Applicant:</b>	Rodney Cain
	<b>Contact Person/Phone Number:</b>	Same (510)978-6010
	<b>Owner:</b>	Clarence & Catherine Byal
	<b>Case File Number:</b>	<b>TTM7821</b>
	<b>Planning Permits Required:</b>	Tentative Tract Map for the creation of five or more lots
	<b>General Plan:</b>	Detached Unit Residential
	<b>Zoning:</b>	R-30, Single Family Residential Zone
	<b>Environmental Determination:</b>	15332, In-Fill Development Projects
	<b>Historic Status:</b>	Not a Historic Property
	<b>Service Delivery District:</b>	6
	<b>City Council District:</b>	7
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision based of staff recommendation
	<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
	<b>For Further Information:</b>	Contact case planner Moe Hackett at <b>(510) 238-3973</b> or by email: <b>mhackett@oaklandnet.com</b>

<b>4.</b>	<b>Location:</b>	<b>2145 35<sup>th</sup> Avenue (APN: 027-0879-015-02)</b>
	<b>Proposal:</b>	To construct a 5 unit mini lot of row houses that total 7,180 square feet. The row houses will be 3 stories in height. A Tentative Tract Map to subdivide the parcel into 5 mini lots.
	<b>Applicant:</b>	DIAP (Dan Ionescu Architects and Planners)
	<b>Contact Person/Phone Number:</b>	Igor Diklitch (650) 570-6681
	<b>Owner:</b>	Maria Campos
	<b>Case File Number:</b>	<b>CDV06-542 and TTM7825</b>
	<b>Planning Permits Required:</b>	Conditional Use Permit for 5 units in the R-50 zone. Regular Design Review for building 5 new residential units. A Variance is required for reduced the rear setback and for less than 10 feet between all driveways. Tentative Tract Map for a 5 unit mini lot.
	<b>General Plan:</b>	Mixed Housing Type
	<b>Zoning:</b>	R-50, Medium Density Residential Zone
	<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines; in fill development projects and 15315, Minor land division.
	<b>Historic Status:</b>	Not a Potential Designated Historic Property (PDHP); survey rating: Ed3
	<b>Service Delivery District:</b>	4
	<b>City Council District:</b>	5
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Decision on application based on staff report.
	<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
	<b>For Further Information:</b>	Contact case planner <b>Laura Kaminski</b> at <b>(510) 238-6809</b> or by email: <b>lkaminski@oaklandnet.com</b>



<b>5.</b>	<p><b>Location:</b> 760 22<sup>nd</sup> Street, 2101 Brush Street, 2116 Brush Street (APN: 003-0025-010; 003-0035-006 through 005; 003-0023-006-01 through 003-0023-011-02)</p> <p><b>Proposal:</b> Demolition of two existing one-story building and surface parking lots and construction of a 146 residential development within three buildings on three separate parcels. Parcel A includes 63 units and Parcel B includes 18 town homes. Parcel C includes 65 units and 3,440 sq. ft. of amenity space.</p> <p><b>Applicant:</b> AGI Capital Group</p> <p><b>Contact Person/Phone Number:</b> Tom Holt / (415) 775-7005</p> <p><b>Owner:</b> GIG Investors</p> <p><b>Case File Number:</b> CMDV06-575; TPM9196; TPM9197; TPM9198</p> <p><b>Planning Permits Required:</b> Parcel A Major Interim Conditional Use Permit for a project that exceeds the density allowed by the zoning but is consistent with the General Plan; Minor Variance for one loading berth; TPM for condominium purposes; and Design Review</p> <p>Parcel B Major Variance to exceed the density allowed by the zoning but is consistent with the General Plan; Minor Variance for front yard setback; TPM for condominium purposes; and Design Review</p> <p>Parcel C Minor Variance for the height of an accessory parking structure within the rear setback and one loading berth; TPM for condominium purposes; and Design Review</p> <p><b>General Plan:</b> Community Commercial and Mixed-Housing Type</p> <p><b>Zoning:</b> C-30 District Thoroughfare Commercial Zone / S-4 Design Review Combining Zone; R-50 Medium Density Residential Zone; C-51 Central Business Service Commercial / S-4 Design Review Combining Zone</p> <p><b>Environmental Determination:</b> Infill Exemption; CEQA Guidelines Section 15332</p> <p><b>Historic Status:</b> Most of the parcels are vacant or are surface parking lots. The existing building on Parcel B is not a Potentially Designated Historic Property; Survey rating *3. The project is adjacent to the BX2 (Curtis Williams Tract Historic District), an Area of Secondary Importance (ASI).</p> <p><b>Service Delivery District:</b> I- West Oakland</p> <p><b>City Council District:</b> 3</p> <p><b>Status:</b> Staff Report (findings contained)</p> <p><b>Action to be Taken:</b> Decision based on staff report</p> <p><b>Finality of Decision:</b> Appealable to City Council within 10 days</p> <p><b>For Further Information:</b> Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.</p>
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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.

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| <b>6.</b> | <b>Location:</b> 4130 Redwood Road (APN 037 -2570-008-00) (1/3/07)  |
|           | <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> A06-551  |
|           | <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   |

**ITEM #6 IS BEING CONTINUED UNTIL FEBRUARY 28, 2007.**

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| <b>7.</b> | <b>Location:</b> Butters Drive (APN 029-1151-052-00) |
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<b>Proposal:</b>	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.
<b>Appellant:</b>	Connie Skoog
<b>Project Applicant:</b>	Richard Vaterlaus
<b>Case File Number:</b>	<b>TPM-8156, CU05-020</b>
<b>Planning Permits Required:</b>	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.
<b>General Plan:</b>	Hillside Residential
<b>Zoning:</b>	R-20 Low Density Residential
<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines, Infill Development
<b>Historic Status:</b>	Vacant Parcel, No Survey Rating
<b>Service Delivery District:</b>	IV
<b>City Council District:</b>	4
<b>Finality of Decision:</b>	Final Decision
<b>For further information:</b>	Contact case planner <b>Leigh McCullen</b> at (510) 238-4977 or <a href="mailto:lmccullen@oaklandnet.com">lmccullen@oaklandnet.com</a> .

**ITEM #7 IS BEING CONTINUED UNTIL MARCH 28, 2007.**

<b>8.</b>	<b>Location:</b> <b>3849 Martin Luther King Jr. Way (APN#012-0964-001-00)</b>
	<b>Proposal:</b> Appeal of Administrative Hearing Officers Imposition of Land Use Restrictions on a nuisance liquor store.
	<b>Applicant:</b> Edward Higginbotham
	<b>Contact Person/Phone Number:</b> Edward Higginbotham (415) 533-1900
	<b>Owner:</b> Nasir S Mohamed
	<b>Case File Number:</b> <b>A06508</b>
	<b>Planning Permits Required:</b> Major Conditional Use Permit
	<b>General Plan:</b> Urban Residential
	<b>Zoning:</b> C-22
	<b>Environmental Determination:</b> Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
	<b>Historic Status:</b> Non Historic Property (NHP)
	<b>Service Delivery District:</b> 2
	<b>City Council District:</b> 1
	<b>Status:</b> Deny the appeal.
	<b>Action to be Taken:</b> <b>Pending</b>
	<b>Finality of Decision:</b> Final Decision
	<b>For Further Information:</b> Contact case planner <b>Jacob Graef</b> at (510) 777-8672 or by email at <a href="mailto:jgraef@oaklandnet.com">jgraef@oaklandnet.com</a> .



**Approval of Minutes: January 3, 2007 and January 17, 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 MEETING*** February 28, 2007

**\* Revised February 1, 2007 to indicate Items #6 and #7 as being continued.**

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