



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

March 7, 2007
Regular Meeting

REVISED 3-01-07* (See End of Agenda)

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.

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 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.

A.	Location:	1727 E 24th Street (APN: 022-0324-026-00)
	Proposal:	To construct a 4 unit residential building that totals 4,988 square feet. The residential building will be 2 stories in height over one level of parking. A subdivision of 1 lot to create 4 residential condominium units within a new residential building.
	Applicant:	David Miller
	Contact Person/Phone Number:	David Miller (510) 658-5502
	Owner:	Oakland View Townhouses, LLC
	Case File Number:	CDV05-507 and TPM8859
	Planning Permits Required:	Conditional Use Permit for 4 units in the R-50 zone. Design Review for building 4 new residential units. Minor Variance for a 32 foot height building where 30 feet is required. Tentative Parcel Map to create 4 residential condominium units with a new residential building. See Status Section, below.
	General Plan:	Mixed Housing Type
	Zoning:	R-50, Medium Density Residential Zone
	Environmental Determination:	Exempt, Section 15303, State CEQA Guidelines, New construction of small new facilities and Section 15315, Minor land division.
	Historic Status:	Not a Potential Designated Historic Property (PDHP); survey rating: Vacant
	Service Delivery District:	3
	City Council District:	2
	Status:	This item was heard by the Planning Commission at the February 28, 2007 meeting. A straw vote was taken, with support for the project (including the Variance) expressed in a 6-0 vote in favor. Formal action on the application was continued to the consent calendar on March 7, 2007. This consent action will adopt Findings for the project (as well as the Conditions of Approval) and approve the Conditional Use Permit, Design Review, Variance and Tentative Parcel Map.
	Action to be Taken:	Decision on application based on staff report and straw vote from the February 28, 2007 Commission meeting.
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Laura Kaminski at (510) 238-6809 or by email: lkaminski@oaklandnet.com

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:** 460 8th St.(APN#001-0201-007-00)
Proposal: Major Conditional Use Permit for the establishment of a new bar.
Applicant: Belgian Beer Café, LLC.
Contact Person/Phone Number: Chuck Stilphen / 925-988-0841
Owner: Old Oakland Associates LLC
Case File Number: **CM06-590**
Planning Permits Required: Major Conditional Use Permit
General Plan: Central Business District
Zoning: C-52/S-4/S-17
Environmental Determination: Exempt, CEQA Guidelines (General Rule Exemption) Section 15301; 15183 Projects conforming to General Plan or Zoning
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.

2. **Location:** 900 Market Street (APN 001 -0228-007-00) (2/21/07)
Proposal: To increase allowed senior housing from 54 units to 61 units.
Owner: JLG Associates, LLC
Contact Person /Phone Number: Karoleen Feng (510) 287-5353 ext. 352
Case File Number: **REV07-008**
Planning Permits Required: Major Interim Conditional Use Permit for density above zoning but below General Plan
General Plan: Community Commercial
Zoning: C-20/S-4 Shopping Center Commercial with Design Review Combining Zone
Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; Infill exemption; 15183 Projects conforming to General Plan or Zoning
Historic Status: Not a Potential Designated Historic Property;
Service Delivery District: 1
City Council District: 3
For further information: Contact case planner **Eric Angstadt** at (510) 238-6190 or eangstadt@oaklandnet.com

3. **Location:** 2286 San Pablo Avenue (APN 008 -0662-012-00) (2/21/07)



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; 15183 Projects conforming to General Plan or Zoning
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

4.	Location: Nine block site in the Uptown District of the downtown. Blocks 1-6 are generally bounded by Thomas L. Berkley Way (20 th Street), Telegraph Avenue, 18 th Street, and San Pablo Avenue. Blocks 7, 8, and 8a are located on the north side of Thomas L. Berkley Way (20 th Street); Block 7 is west of Telegraph Avenue and Blocks 8 and 8a are east of Telegraph Avenue.
	Proposal: Consider extension of the Vesting Tentative Map (VTM) related to the approved Planned Unit Development (PUD) for the phased redevelopment of the site with a mixed-use project including up to 665 apartments, 9,000 square feet of commercial space, 533 structured parking spaces, and a 25,000 square foot public park. Extension of the VTM would only affect "Parcel 4", for which a Final Map has not yet been filed. Confirm adequacy of Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA).
	Project Sponsor: Forest City Development
	Owner(s): Oakland Redevelopment Agency.
	Case File Number(s): TTM7616 ; ER03-0007 ; ZP070007
	Planning Permits Required: Major CUP, Minor Variance, VTM, Final Map, tree removal permit.
	General Plan: Central Business District
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Zoning: C-51 Central Business Service Commercial Zone/C-55 Central Core Commercial Zone /S-17 Downtown Residential Open Space Combining Zone

Environmental Determination: The EIR was certified on February 18, 2004 by the Planning Commission; Two addendums have been filed.

Historic Status: Site is not historic; site is adjacent to Uptown Shopping/Entertainment District.

Service Delivery District: I – Downtown/West Oakland/Harbor

City Council District: 3

Status: City Council to consider amendment to the Disposition and Development Agreement and Final Map

Action to be Taken: Consider extension of VTM (case file TTM7616).

Finality of Decision: Appealable to City Council

For further information: Contact **Catherine Payne** at **510-238-6168** or by e-mail at **lwarner@oaklandnet.com**

ITEM #4 HAS BEEN WITHDRAWN FROM THE AGENDA.

5. Location: 3866-8 Maybelle Drive (APN 030 -1933-009-02; -010-01) (11/14/06)

Proposal: The project that would create 8 new units on the property, resulting in 12 dwellings in the R-50 zone (four currently exist). This project would also merge the two lots mentioned above and result in the demolition of the single family dwelling at 3866 Maybelle Drive.

Applicant: Alex Korn

Contact Person/Phone Number: Alex Korn (510)526-7910

Owner: Jahari Parnell

Case File Number: **CMD06-013/TPM9400**

Planning Permits Required: Major Conditional Use Permit for a project resulting in 7 or more dwellings in the R-50 zone, Tentative Parcel Map to A) merge the two parcels and B) convert 4 apartments into condos and create 8 new condo units.

General Plan: Mixed Housing Type Residential

Zoning: R-50 Medium Density Residential Zone

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; in-fill development; 15183 Projects conforming to General Plan or Zoning

Historic Status: Not a Potential Designated Historic Property, Survey Rating: D3 (3866 Maybelle) & F3 (3868 Maybelle)

Service Delivery District: 4

City Council District: 4

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**



6.	Location:	346-8 105th Avenue (11/14/06)
		APN's: 045 -5369-006-03; -006-04; -006-06; -006-08; -006-10; -006-11; -006-12; -006-13; -006-14
	Proposal:	Tentative Tract Map to subdivide 9 lots into 12 lots and a Major Conditional Use Permit to subdivide between existing buildings. No new units are proposed.
	Applicant:	Art Clark
Contact Person/Phone Number:		Art Clark (510)219-5699
	Owner:	James Weiss & Vergie Barnes
	Case File Number:	TTM7865/CU06-561
Planning Permits Required:		Tentative Tract Map to subdivide 9 lots into 12 and a Minor Conditional Use Permit to subdivide between existing buildings.
	General Plan:	Detached Unit Residential
	Zoning:	R-30 One Family Residential Zone
Environmental Determination:		Exempt, Section 15332 of the State CEQA Guidelines; in-fill development; 15183 Projects conforming to General Plan or Zoning
	Historic Status:	Not a Potential Designated Historic Property, Survey Rating: X (no building in this project site has a rating larger than X)
	Service Delivery District:	6
	City Council District:	7
	Status:	Pending
	Action to be Taken:	Contained in staff report
	Finality of Decision:	<i>Appealable to City Council</i>
For Further Information:		Contact Robert D. Merkamp at (510) 238-6283 or by email: rmerkamp@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.



7.	Project Name:	Oak Knoll Naval Medical Center Property (NMCO)
	Location:	Mountain Boulevard and Keller Avenue
	Proposal:	Appeal of Director's Determination of General Plan Conformity made for the Oak Knoll Community Development Plan, a mixed-use development proposed for the former Oak Knoll Naval Medical Center (NMCO) site; Mountain Boulevard and Keller Drive
	Applicant/Appellant:	Oak Knoll Coalition
	Contact Person/Phone Number:	Paul Jensen, Contract Planner (415) 479-9438
	Owners:	SunCal Companies, Oak Knoll LLC and City of Oakland Redevelopment Agency
	Case File Number:	A07-10
	Planning Permits Required:	N.A. No planning permits required for a General Plan Conformity Determination.
	General Plan:	Hillside Residential, Community Commercial, Institutional, Park & Urban Open Space and Resource Conservation
	Zoning:	R-30 (Single-Family Residential) District
	Environmental Determination:	EIS/EIR certified for the Final Base Re-Use Plan in 1998.
	Historic Status:	N.A. Determination and appeal not relevant to historic resources
	Service Delivery District:	District 6
	City Council District:	District 7 (Larry Reid)
	Status:	Appeal filed on January 12, 2007. Appeal hearing must be held within 60 days of filing.
	Action to be Taken:	Deny the appeal and uphold the Director's Determination.
	For Further Information:	Contact case planner Paul A. Jensen, Contract Planner at (415) 479-9438 or by email at jensenaicp@aol.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: March 21, 2007

*** Revised 2-28-07 to indicate Item #4 being withdrawn, and revised 3-01-07 to indicate Item A on the consent calendar as a continuance from the February 28, 2007 Commission meeting.**

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