



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

September 5, 2007
Regular Meeting

REVISED 8-29-07*

MEAL GATHERING **5:30 P.M.**

Dimond Conference Room, 250 Frank Ogawa Plaza, 3rd 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 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 Informational Report on the Uptown Parcel 4 project as requested at the DRC meeting of July 25, 2007, including park location

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.	Project Name: The Gateway Community Development Project
	Location: 29 th Avenue @ East 12 th Street (south side of East 12 th Street, roughly between 26 th Avenue in the west and Derby Avenue in the east)
	Assessor's Parcel Numbers: 25-693-3-3; 25-693-4; 25-693-5; 25-693-7-2; 25-693-8; 25-697-2; 25-697-3-6; 25-697-7-6; 25-697-7-7; 25-701-6-4; & 25-701-11
	Proposal: Demolition of all existing structures and construction of a new mixed-use development containing 810 residential units and approximately 25,950 sq. ft. of commercial space.
	Applicant: Pacific Thomas Capital
	Contact Person/Phone Number: Carlos Plazola, Terra Linda Development Services / (510) 437-9620
	Owners: Pacific Thomas Capital; Nova Group; Blue Dog Development LLC/Harding Development LLC; H&H Auto Collision; State of California
	Case File Numbers: GP06-113; RZ06-114; DA06-547; PUD07-344; ER05-001
	Planning Permits Required: General Plan Amendment; Rezoning; Planned Unit Development; Development Agreement
	General Plan: Proposed amendment from Business Mix, Mixed Housing Type Residential, and Regional Commercial to Community Commercial
	Zoning: Proposed rezoning from M-30 General Industrial Zone to C-45 Community Shopping Commercial Zone/S-4 Design Review Combining Zone
	Environmental Determination: A Draft Environmental Impact Report (EIR) has been prepared and was released for public review on August 10, 2007. The comment period closes on September 24, 2007.
	Historic Status: No CEQA historic resources identified on the site or impacted by the project; existing structures have various OCHS ratings.
	Service Delivery District: 4
	City Council District: 5
	Status: Pending
	Action to be Taken: Solicit comments on the Draft EIR and the proposed project; no decisions will be made on the project at this public hearing.
	For further information: Contact the case planner, Darin Ranelletti, Planner III, at (510) 238-3663 or by e-mail at dranelletti@oaklandnet.com



2.	Location: 5322 Locksley Avenue (APN: 014-1254-030-00)
	Proposal: Raise an existing single-family dwelling by approximately one foot in height, and excavate down 2 feet, in order to convert the existing basement into a second unit at the ground floor level, relocate the existing garage from the south side yard to the rear (southeast) corner and create two condominiums from the two resulting units.
	Applicant: Chris Coffee, Graff Architects
Contact Person/Phone Number:	Chris Coffee, Graff Architects – (510) 653-4500
Owner:	John Solomon and Lois Wachner Solomon
Case File Number:	CMDV07-267; TPM9552
Planning Permits Required:	Major Conditional Use Permit to create a second dwelling unit in the R-35 Zone, Minor Variances to: (a) raise the building within the existing nonconforming 4’9” side yard setback at the north side (whereas 5’ minimum is required), and (b) for one of the three required parking spaces to be tandem (whereas 3 non-tandem parking spaces are required), Regular Design Review to create a second dwelling unit and to construct additions and alterations, and a Tentative Parcel Map to create two condominium units.
General Plan:	Mixed Housing Type Residential
Zoning:	R-35, Special One-Family Residential Zone
Environmental Determination:	Exempt, Section 15303 of the State CEQA Guidelines; small structures; 15301(k); division of existing facilities into common-interest ownership, and 15183; projects consistent with a community plan, general plan or zoning.
Historic Status:	Potentially Designated Historic Property; rating: D2+
Service Delivery District:	2 (North Oakland)
City Council District:	1 (Jane Brunner)
Status:	Pending
Action to be Taken:	Decision on application.
For Further Information:	Contact case planner Ann Clevenger at (510) 238-6980 or by e-mail: aclevenger@oaklandnet.com



3.

Location: 1122 65th Street (APN: 016-1506-006-00)

Proposal: New Construction of a six story mixed use development containing 16 dwelling units and 6 Work –Live units over ground floor commercial. The existing historic structure on the site will be preserved and converted into commercial space.

Applicant: Ali Eslami

Contact Person/Phone Number: (510) 774-8387

Owner: Ali Eslami

Case File Number: DV06-214

Planning Permits Required: “Major” Design Review for new construction exceeding 25,000 square feet and Minor Variance for building height (55’0” allowed; 65’0” proposed).

General Plan: Housing and Business Mix

Zoning: HBX-2, Housing and Business Mix 2

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects, and Section 15183 of the CEQA Guidelines, projects consistent with a community plan, general plan, or zoning.

Historic Status: Potentially Designated Historic Property (PDHP); rating: B+3

Service Delivery District: 2

City Council District: 1

Status: Pending

Action to be Taken: Decision on application based on Staff Report

Finality of Decision: Appealable to City Council

For Further Information: Contact case planner **Peterson Z. Vollmann** at (510) 238-6167 or by email: pvollman@oaklandnet.com.

Note: The following item No. 4 will not be heard until after 8:30 PM

4.

Location: Citywide

Proposal: Public Hearing on the Draft Environmental Impact Report (EIR) 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

Contact Person/Phone Number: Joel Peter (510) 238-7276

Owner: City of Oakland

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

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(continued from page 6)

Zoning: Measure DD projects are proposed throughout the City and hence are governed by multiple zoning designations

Environmental Determination: A Draft EIR has been prepared to analyze potentially significant environmental impacts in the following environmental categories: Land Use, Planning Policy, Transportation, Circulation and Parking, Air Quality, Noise, Biological Resources, Cultural Resources, Hydrology and Water Quality, Geology, Soils and Seismicity, Hazards and Hazardous Materials, Public Services and Recreation, Utilities and Infrastructure, Aesthetic Resources. The Draft EIR identified significant unavoidable impacts related to Transportation.

Historic Status: Municipal Boat House, Studio One Art Center, Lake Merritt Pergola, East 18th 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: Draft EIR was published for an extended review period (starting on July 20, 2007 and ending at 4:00 pm on September 11, 2007)

Action to be Taken: Receive public and Commission comments on 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

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.

(There are no appeals on this agenda)

COMMISSION BUSINESS



Approval of Minutes: August 1, 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: September 19, 2007

***Revised 8-29-07 to re-order the agenda to accommodate multiple language translation services for the Item No. 1 (“Gateway Project”, formerly Item No. 5), and to reflect former Item No. 2 as a Director’s Report at the beginning of the agenda.**