



Michael Colbruno, Chair
C. Blake Huntsman, Vice Chair
Doug Boxer
Sandra E. Gálvez
Anne Mudge
Madeleine Zayas-Mart

November 5, 2008
Regular Meeting

MEAL GATHERING **5:00P.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 1, 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.

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

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.



**New web-site staff report
download instructions**

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.**

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.

Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.

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.

Applicants or members of the public that plan power point presentations: Please contact Robynn Parker at raparker@oaklandnet.com or 510-238-2950 or Gwen Brown at gbrown@oaklandnet.com or 510-238-6194 at least 48 hours prior to the meeting.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS



Agenda Discussion

Director's Report

Housing Foreclosure 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:	9500 Stearns Avenue (APN: 043A-4755-001-09) (8/27/08)
	Proposal:	To install 70' tall light poles for the athletic fields at Bishop O'Dowd High School (RE-POSTED DUE TO CEQA REVISIONS)
	Applicant:	Jeffery Wood Architects
	Contact Person/Phone Number:	Same (510)531-1624
	Owner:	Roman Catholic Welfare Corporation
	Case File Number:	CMV08-147, Staff Report
	Planning Permits Required:	Major Conditional Use Permit, and Minor Variance for light poles at 70' in height where 25' is allowed upon the granting of a conditional use permit.
	General Plan:	Institutional
	Zoning:	R-30, Single Family Residential
	Environmental Determination:	Exempt. CEQA Guidelines 15303, New Construction or Conversion of Small Structures; CEQA Guidelines 15311, Accessory Structures; CEQA Guidelines, 15314 Minor Additions to Schools; , CEQA Guidelines 15183, projects consistent with the General Plan; CEQA Guidelines 15332, Infill Development (ER08-0008, an Initial Study had been prepared and, upon review, Staff has determined the project is exempt.)
	Historic Status:	Not a Historic Property
	Service Delivery District:	6
	City Council District:	7
	Status:	Pending
	Action to be Taken:	Decision based of staff recommendation
	Finality of Decision:	<i>Appealable to City Council</i>
	For Further Information:	Contact case planner Moe Hackett at (510) 238-3973 or by email: mhackett@oaklandnet.com



2. **Location:** 1900 and 1930 Broadway, 1901 Franklin Street, and 415 20th Street (APN: 008 -0638-005-00, 008 -0638-006-02, and portions of 008 -0638-007-07 and 008 -0638-007-08)

Proposal: Scoping Session to identify the issues that need to be addressed and receive comments for a Draft Environmental Impact Report (DEIR) regarding the proposal to:

 1) Demolish a one-story building and parking lot;

 2) Construct a 715' high-rise building (56 stories) with 790,000 sq. ft. of office space; 75,000 sq. ft. of retail and commercial space; 220 residential units; 224 parking spaces; and an underground connection to BART; and

 3) Rehabilitate the historic Tapscott Building.

Applicant: Thomas Baily

Contact Person/Phone Number: Thomas Baily / (510) 893-3600

Owner: Chengben Wang; Encinal Broadway, LLC and Jackson Center II, LLC

Case File Number: [ER08-0002](#)

General Plan: Central Business District

Zoning: C-55 Central Core Commercial Zone
S-8 Urban Street Combining Zone
S-17 Downtown Residential Open Space Combining Zone

Environmental Determination: Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. A Notice of Preparation (NOP) to prepare the EIR was published on October 13, 2008. The comment period for the NOP ends on November 17, 2008.

Historic Status: The project site contains two historic buildings. The Warner Bros. Building is a Potentially Designated Historic Property (PDHP) and rated a Dc3 of minor importance by the Oakland Cultural Heritage Survey (OCHS). The Tapscott Building is a Designated Historic Property (DHP) and rated a Cb+1+ by the OCHS. This building is a contributor to the Uptown Shopping and Entertainment Historic District. This district is an Area of Primary Importance (API) eligible for inclusion on the National Register of Historic Places. There are also numerous historic buildings located within the immediate vicinity.

Service Delivery District: Downtown Metro

City Council District: 3

Action to be Taken: Receive public and Commission comments about what information and analysis should be included in the EIR.

For Further Information: Contact case planner **Heather Klein** at **510 238-3659** or by e-mail at hklein@oaklandnet.com.

3. **Location:** Citywide



Proposal: Correction of Long-standing, Scrivener’s Errors of the General Plan Land Use Diagram to Conform to What Was Previously Adopted.

Applicant: Planning Commission

Case File Number: **GP08-259**

Planning Permits Required: N/A

General Plan: Citywide

Zoning: Citywide

Environmental Determination: Relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (ER97-0018).; as a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines.

Service Delivery District: Citywide

City Council district: Citywide

Date Filed: September 23, 2008

Status: N/A

Staff Recommendation: Forward recommendation to City Council.

For further information: Contact **Christina Ferracane**, Strategic Planning at (510) 238-3903 or by email: cferracane@oaklandnet.com

4. **Location:** **Areas in the City in Commercial Industrial Mix-1 (CIX-1), Commercial Industrial Mix-2 (CIX-2) and General Industrial (IG)**

Proposal: 1) Amend Chapter 17.73 “CIX-1, CIX-2, IG And IO Industrial Zones” to include proposed regulations concerning Primary Recycling Centers in CIX-1, CIX-2 and IG zones;
2) Amend Chapter 17.10 “Use Classifications” to delete “Intermediate Processing Facility” as a land use activity type from O.M.C. 17.10.586 “Recycling and Waste-Related Industrial Activities”

Applicant: City Planning Commission

Case File Number: **ZT07-398**

Planning Permits Required: Zoning Text Amendments

General Plan: Business Mix, General Transportation/Industrial

Zoning: Areas in the City in Commercial Industrial Mix-1 (CIX-1), Commercial Industrial Mix-2 (CIX-2) and General Industrial (IG)

Environmental Determination: This proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998);; the EIRs for the West Oakland, Central City East, Coliseum and Oakland Army Base Redevelopment Areas; the proposal would also be exempt under CEQA Guidelines section 15061(b)(3): no possibility that the activity in question may have a significant effect on the environment; and 15183: consistent with adopted General Plan.

Service Delivery District: 1, 3, 4, 5 and 6

City Council District: 2, 3, 5 6 and 7

Status: Pending decision by City Council

Action to be Taken: Recommendation to City Council

For Further Information: Contact case planner **Alisa Shen** at (510) 238-2166 or by email: ashen@oaklandnet.com



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: October 1, and October 15, 2008

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: November 19, 2008