



*C. Blake Huntsman, Chair
Doug Boxer, Vice Chair
Michael Colbruno
Sandra E. Gálvez
Vince Gibbs
Vien Truong
Madeleine Zayas-Mart*

December 16, 2009
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 meals 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.

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**

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.

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 see staff at the meeting for validation of parking tickets.

Applicants or members of the public that plan power point presentations: Please contact Daria Edgerly at dedgerly2@oaklandnet.com or 510-238-2912 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



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:** Central Estuary Plan area: bounded by 19th Avenue to the north, 54th Avenue to the south, I-880 to the east and the Bay to the west.
Proposal: The City of Oakland is creating a Specific Plan and environmental document for the Oakland Central Estuary Plan Area. Stakeholders, including property owners, business owners and residents, have participated in a series of six community workshops, and have developed a draft preferred land use alternative which will form the basis of the Specific Plan for the area. Staff will present an overview of the public participation process, the area's existing conditions, alternatives development, and draft preferred land use alternative including land use and urban design, transportation, infrastructure, economics, demographics, public health and sustainability. Planning Commissioners and citizen feedback will be incorporated into the development of the Specific Plan.
Applicant: City Planning Commission
Planning Permits Required: N/A
General Plan: LI-2- Light Industrial (Brooklyn Basin); PWD-2- Planned Waterfront Development (Con Agra, Lone Star, Ready Mix); RMU-1- Residential Mixed Use (Kennedy Tract Waterfront); HI-1- Heavy Industrial (Owens-Brockway); GC-1- General Commercial (42nd/ High/ Super K-Mart); LI-3- Light Industrial (East of High St. North of Tidewater St.); PWD-3- Planned Waterfront District (East of High St./ South of Tidewater); WCR-2- Waterfront Commercial (Embarcadero Cove/Union Point)
Zoning: M-40, S-4, HBX-3,
Environmental Determination: An EIR will be prepared as part of this plan.
Historic Status: Historic resources will be studied as part of the development of the Specific Plan.
Service Delivery District: 4 & 5
City Council District: 5
Status: Ongoing
Action to be Taken: Recommendations to City Council
Finality of Decision: N/A
For Further Information: Contact case planner Alisa Shen at (510) 238-2166 or by email: ashen@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.

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| 2. | Location: 6100 Broadway (APN 048A-7200-004-01) |
| | Proposal: Appeal of the Zoning Manager’s approval of revisions to previously approved Conditional Use Permit CM76-296 and CM80-191 for additions and alterations at the College Preparatory School (CPS). |
| | Appellant/Phone Tim Durham |
| | Number: (510) 601-7360 |
| | Project Applicant: College Preparatory School |
| | Contact Person/Phone Dan Wetherell |
| | Number: (510) 899-6400 |
| | Owner: College Preparatory School |
| | Case File Number: A09-208 (appeal of REV09004) |
| | Planning Permits Required: Revision to a previously approved Conditional Use Permit (CM76-296 and CM80-191) for additions and alterations at the College Preparatory School (CPS) including the relocation of two portable classrooms, construction of a new 4,500 square foot World Languages building, and parking lot and driveway improvements (phase 1); construction of a 2,300 square foot English building and a 587 square foot addition to the Music building (phase II); and construction of a 10,431 square foot Theater Arts building (phase III), to permit 340 students where 325 was previously permitted, and to allow the Theater Arts building and the English building to exceed the R-30 height limit pursuant to Section 17.108.020 of the Oakland Planning Code. |
| | General Plan: Detached Unit Residential |
| | Zoning: R-30 Single Family Residential Zone |
| | Environmental Determination: Exempt, Section 15314 of the State CEQA Guidelines; minor additions to existing schools where the addition does not increase student capacity by 25 percent of 10 classrooms, whichever is less. 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. Survey Rating: F3 |
| | Service Delivery District: II |
| | City Council District: 1 |
| (continued on page 6) | |



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| Status: | Approved by the Zoning Manager and appealed by a neighbor to the Planning Commission |
| Action to be Taken: | Deny the Appeal upholding the Zoning Manager's approval |
| Finality of Decision: | Final |
| For further information: | Contact case planner Leigh McCullen at (510) 238-4977 or lmccullen@oaklandnet.com |

COMMISSION BUSINESS

Approval of Minutes: November 18 and December 2, 2009

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: January 20, 2010