



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

February 13, 2008
Special 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 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.

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.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

Committee Reports

Commission Matters

Upcoming Meeting and Committee dates



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: 1122 65 th Street (APN: 016-1506-005-00 & -006-00)
	Proposal: New Construction of a six story mixed use development containing 16 dwelling units and 13 Work –Live units over ground floor commercial and subterranean parking. 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: The subject application had previously appeared before the Planning Commission on September 5, 2007, and at the hearing the Commission had voted to require the project to appear before the Design Review Committee. The project appeared before the Design Review Committee on October 24, 2007, in which the Committee members had discussed methods to reduce the bulk and mass of the building, and recommended the project move forward back to the full Commission for review. The project appeared at the January 9, 2008 Planning Commission hearing and was approved by a vote of +5,-0. However, due to an error in the required public notice for the project, staff is requesting a re-hearing on the project.
	Action to be Taken: 1) Vote to re-hear the project; and if the vote is in the affirmative to re-hear the project 2) Hold a public hearing and vote on the project.
	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 .



2. **Project Name:** **Tassafaronga Village (*Completion of 2006 Approvals*)**
Location: East of G St. between 85th Avenue and 83rd Avenue to Tassafaronga Park, including 84th Avenue (APN: 041-4281-007-04, 041-4280-001-01); 83rd Avenue between E Street and G Street; E Street between 83rd Avenue and 81st Avenue; and 968 81st Avenue (041-4206-001)
(See map on reverse)
Proposal: To subdivide 4 parcels and a private section of street into 29 new parcels (and 2 Public Access Easements) to accommodate the City-approved redevelopment of the Tassafaronga Village public housing site (demolish 87 dwelling units and construct 179 dwelling units); a Tree Removal Permit is also required to complete the approved project.
- GP06-182, RZ06-183, CMDV06-184, and ER06-0013 were reviewed and approved by the Planning Commission on 9/20/06 & the City Council on 10/17/06.*
- Applicant/Owner:** Oakland Housing Authority
Contact Person: Bridget Galka, Oakland Housing Authority
Phone Number: (510) 587-2142
Case File Number: **TTM 7868 / CU 07- 524 / T 06-43**
Planning Permits Required: Tentative Tract Map to allow a subdivision creating 5 or more new parcels (OMC Sec. 16.08);
Minor Conditional Use Permit to allow the creation of Public Access Easements (OMC Sec. 17.102.090(B));
Tree Removal Permit to allow the removal of 31 Protected Trees (OMC Sec. 12.36)
General Plan: Mixed Housing Type Residential
Zoning: R-50 Medium Density Residential
Environmental Determination: A Mitigated Negative Declaration (MND) has been adopted for the approved portions of the project (*State Clearinghouse #2006082134*)
Historic Status: 968 81st Av.: Potential Designated Historic Property (PDHP), Minor importance ("D. Merlino & Sons pasta factory") Survey Rating: Dc3
Service Delivery District: 6
City Council District: 7
Dates Filed: Tree Removal Permit: April 12, 2006
Tentative Tract Map: September 19, 2007
Minor Conditional Use Permit: December 10, 2007
Status: Pending
Action to be Taken: Decision based on staff report
Finality of Decision: Appealable to City Council
For Further Information: Contact case planner **Aubrey Rose** at (510) 238-2071 or by email arose@oaklandnet.com



3.	Location:	Citywide
	Proposal:	Certification of the Final Environmental Impact Report (FEIR) for implementation of Measure DD projects generally described as: <ul style="list-style-type: none">• 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
	Zoning:	Measure DD projects are proposed throughout the City and hence are governed by multiple zoning designations
	Environmental Determination:	A Draft Environmental Impact Report (DEIR) for the Measure DD Project prepared to address 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.
	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:	The DEIR was published for an extended public review period that started July 20, 2007 and was to conclude on September 10, 2007. Because September 10 was a City of Oakland holiday and City offices were closed, public comments were accepted until September 11, 2007. A Final EIR which responds to comments received on the Draft EIR has been prepared.
	Action to be Taken:	Receive public and Commission comments on the Final EIR and Certify the Final EIR.
	Finality of Decision:	The Commission's decision may be appealed to the Oakland City Council within 10 days of the Commission action.
	For Further Information:	Contact case planner Elois A. Thornton at (510) 238-6284 or by email at eathornton@oaklandnet.com



- 4.**
- Location:** **5175 Broadway (APN: 014-1241-005-01)**
- Proposal:** Demolish vacant service station facility and construct a new 28 unit, four story residential condominium building above 2,995 square feet of commercial space.
- Applicant:** Gary Feiner
- Contact Person/Phone Number:** (510) 549-1719
- Owner:** Gary Feiner
- Case File Number:** **CDV06-463, TPM-9725 & ER07-0004**
- Planning Permits Required:** Interim Conditional Use Permit for allowed intensity under the Community Commercial General Plan Area, Minor Variance to the rear yard setback, which would allow Broadway to be treated as the project frontage (required 10'0", proposed 0'0"), Minor Conditional Use permit to allow an underground parking garage within the setbacks, and Regular Design Review for new construction. Tentative Parcel Map for Condominiums.
- General Plan:** Community Commercial
- Zoning:** C-30, District Thoroughfare Commercial Zone
- Environmental Determination:** An Initial Study was prepared and the Notice of Intent to Adopt a Negative Declaration was noticed for comment on December 10, 2007. The comment period expired January 9, 2008.
- Historic Status:** Not a Potentially Designated Historic Property; survey rating: x
- 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.



5.	Location:	1100 Broadway (APN: 002 -0051-006-02)
	Proposal:	Construction of a 20-story commercial office building that would connect to the historic Key System Building. The proposal would also include the rehabilitation of the Key System Building. The total project contains 310,285 sq. ft. of office and 9,810 sq. ft. of retail.
	Applicant:	SKS Broadway, LLC
Contact Person/Phone Number:		Daniel Kingsley / (415)421-8200
	Owner:	SKS Broadway, LLC
	Case File Number:	CMD07-390/ER07-0015
	Planning Permits Required:	Major Conditional Use Permit for a Large-Scale Development (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height); Minor Conditional Use Permit for loading at the ground floor in the S-8 Zone; and Design Review.
	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:	An Addendum has been prepared to a previously certified EIR
	Historic Status:	The existing building, located on the southern portion of the site, is known as the Key System Building, and formerly the Security Bank and Trust Building. This building is a City Landmark and is rated A1+, of the "highest importance" by the Oakland Cultural Heritage Survey. Furthermore, the building is also registered on the National List of Historic Places. The building is an anchor and primary contributor to the Downtown Oakland Historic District, an Area of Primary Importance (API).
	Service Delivery District:	Downtown Metro
	City Council District:	2
	Status:	Staff Report (findings contained)
	Action to be Taken:	Decision based on staff report
	Finality of Decision:	Appealable to City Council within 10 days
	For Further Information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com .

**PLEASE NOTE: ITEM #6, BELOW,
WILL NOT BE HEARD PRIOR TO
8:00 P.M.**



6.	Location:	Areas in the City with Business Mix and General Industrial General Plan Land Use Classifications
	Proposal:	Consider recommendations to City Council regarding industrial land use policy in seventeen areas of the City with General Plan land use designations of Business Mix and/or General Industry and Transportation. Possible recommendations to City Council include, but are not limited to, maintain industrial use as designated, investigate area for possible conversion to other uses (General Plan Amendment) or consider General Plan Amendments project by project based on conversion criteria. The Planning Commission may make one of the previous recommendations for some, all or none of the 17 sub areas, may make recommendations other than those indicated above for some, all or none of the sub areas, make comments on proposed conversion criteria or make other recommendations regarding industrial land use policy for consideration by City Council at their discretion.
	Applicant:	City Council
	Case File Number:	None
	Planning Permits Required:	N/A
	General Plan:	Business Mix and General Industrial General Plan Land Use Classifications
	Zoning:	Primarily focused on, but not limited to the industrial zones: M-10 Special Industrial Zone, M-20 Light Industrial Zone, M-30 General Industrial Zone, M-40 Heavy Industrial Zone, and S-16 Industrial-Residential Transition Combining Zone. Most of the areas under consideration have been recommended for CIX 1 or 2 and IG zoning as part of the zoning update effort.
	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.
	Service Delivery District:	Metro, 1, 3, 4, 5 and 6
	City Council district	2, 3, 5 6 and 7
	Date Filed:	
	Status	Sub areas considered by Zoning Update Committee between December, 2006 and August, 2007. Planning Commission held a workshop on all 17 sub areas in January, 2006. City Council referred this matter to the planning Commission for further discussion in September, 2006.
	Staff Recommendation	Recommendation to City Council.
	For further information:	Contact Eric Angstadt, Strategic Planning Manager at (510) 238-6190 or by email at eamstadt@oaklandnet.com or Alisa Shen, Strategic Planning at (510) 238-2166 or by email at 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/overtakes 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: January 9 and 16, 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: February 20, 2008