



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

**January 9, 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.

**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

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***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.



H. Ogawa Plaza, Oakland, California 94612. **Reports are available at the Strategic Planning Division on the 3<sup>rd</sup> 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](http://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**



**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.

<b>1.</b>	<b>Location:</b>	<b>1940 23<sup>rd</sup> Avenue. (See map on reverse)</b>
	<b>Assessors Parcel Numbers:</b>	<b>(021 -0249-026-00)</b>
	<b>Proposal:</b>	Request for a Major Conditional Use Permit for a new wireless telecommunication facility (macro) and Regular Design Review to install (3) concealed antennas inside an existing church cross at the front of the building.
	<b>Applicant:</b>	Metro PCS
	<b>Contact Person/ Phone Number:</b>	Kelly Pepper (415) 558-8188
	<b>Owner:</b>	Twenty Third Avenue Church of God
	<b>Case File Number:</b>	CMD07-366
	<b>Planning Permits Required:</b>	Conditional Use Permit to install a new wireless telecommunication facility and Regular Design Review to install (3) antennas inside an existing church cross including a new enclosed equipment cabinet located in a 3 <sup>rd</sup> floor room.
	<b>General Plan:</b>	Mixed Housing Type
	<b>Zoning:</b>	R-50 High Medium Density Residential Zone
	<b>Environmental Determination:</b>	Exempt, Section 15303 of the State CEQA Guidelines; new construction of small structures, 15301 existing facilities; 15183 Projects consistent with the General Plan or Zoning.
	<b>Historic Status:</b>	Not a Potential Designated Historic Property; Survey rating: F2-
	<b>Service Delivery District:</b>	4
	<b>City Council District:</b>	V
	<b>Date Filed:</b>	8/13/07
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Jose M. Herrera-Preza</b> at <b>(510) 238-3808</b> or <a href="mailto:jherrera@oaklandnet.com">jherrera@oaklandnet.com</a>



## ***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.



<b>2.</b>	<b>Location:</b>	<b>1122 65<sup>th</sup> Street</b> <b>(APN: 016-1506-005-00 &amp; -006-00)</b>
	<b>Proposal:</b>	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.
	<b>Applicant:</b>	Ali Eslami
<b>Contact Person/Phone Number:</b>		(510) 774-8387
	<b>Owner:</b>	Ali Eslami
	<b>Case File Number:</b>	<b>DV06-214</b>
	<b>Planning Permits Required:</b>	“Major” Design Review for new construction exceeding 25,000 square feet and Minor Variance for building height (55’0” allowed; 65’0” proposed).
	<b>General Plan:</b>	Housing and Business Mix
	<b>Zoning:</b>	HBX-2, Housing and Business Mix 2
<b>Environmental Determination:</b>		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.
	<b>Historic Status:</b>	Potentially Designated Historic Property (PDHP); rating: B+3
<b>Service Delivery District:</b>		2
<b>City Council District:</b>		1
	<b>Status:</b>	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.
	<b>Action to be Taken:</b>	Decision on application based on Staff Report
	<b>Finality of Decision:</b>	Appealable to City Council
<b>For Further Information:</b>		Contact case planner <b>Peterson Z. Vollmann</b> at (510) 238-6167 or by email: <a href="mailto:pvollman@oaklandnet.com">pvollman@oaklandnet.com</a> .



<b>3.</b>	<b>Location:</b> An area roughly centered on Valdez Street between 23 <sup>rd</sup> and 28 <sup>th</sup> Streets.
	<b>Proposal:</b> To expand the area on the zoning maps to be designated with the proposed S-5 Broadway Retail Frontage Interim Combining Zone (S-5 zone). At the November 28, 2007 Planning Commission meeting, the Planning Commission recommended that the City Council adopt the proposed text amendment creating the S-5 zone in the Planning Code and designating the S-5 zone on the zoning maps. This item amends the recommendation to expand the proposed S-5 designation to an area roughly centered on Valdez Street between 23 <sup>rd</sup> and 28 <sup>th</sup> Streets.
	<b>Applicant:</b> Planning Commission
<b>Contact Person/Phone Number:</b>	Neil Gray/(510)238-3878
	<b>Owners:</b> Various
<b>Case File Number:</b>	<b>ZT07-432</b>
<b>General Plan:</b>	Community Commercial, Mixed Housing Type Residential, and Urban Residential.
	<b>Zoning:</b> C-30 District Thoroughfare Commercial Zone, C-40 Community Thoroughfare Commercial Zone, C-55 Central Core Commercial Zone, R-80 High Rise Apartment Residential Zone, and R-90 Downtown Apartment Residential Zone Regulations.
<b>Environmental Determination:</b>	The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998) and the Broadway/MacArthur Redevelopment Plan Environmental Impact Report, adopted 2000. The proposal is also exempt under CEQA Guidelines section 15061(b)(3): no possibility that the activity in question may have a significant effect on the environment.
<b>Service Delivery District:</b>	2
<b>City Council District:</b>	3
<b>Action to be Taken:</b>	Decide whether to recommend to the City Council adoption of the proposal.
<b>For Further Information:</b>	Contact case planner <b>Neil Gray</b> at <b>(510)238-3878</b> or by e-mail at <a href="mailto:ngray@oaklandnet.com">ngray@oaklandnet.com</a>



<b>Proposal:</b>	Consider proposed amendments to Oakland Planning Code such as updating references, improving consistency among chapters, reducing redundancy, and clarifying language. Other amendments include updating the HBX and S-8 zoning designations; revising conditional use permit criteria for dwelling units with five or more bedrooms; and changing the definition of a major and minor conditional use permit.
<b>Applicant:</b>	Planning Commission
<b>Planning Permits Required:</b>	Zoning Text Amendments
<b>General Plan:</b>	Each General Plan designation
<b>Zoning:</b>	Each zoning district
<b>Environmental Determination:</b>	Staff plans to rely on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan EIR (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.
<b>Service Delivery District:</b>	All Service Delivery districts
<b>City Council District:</b>	All City Council districts
<b>Date Filed:</b>	11/14/07
<b>Status:</b>	Heard by Zoning Update Committee on 11/14/07. Recommended by Zoning Update Committee to be considered by the Planning Commission
<b>Staff Recommendation:</b>	Recommend adoption to City Council.
<b>For further information:</b>	Contact: <b>Alicia Parker</b> at 238-3362 or email <a href="mailto:aparker@oaklandnet.com">aparker@oaklandnet.com</a> .

**PLEASE NOTE: ITEMS #5 AND #6, BELOW WILL NOT BE HEARD BEFORE 8:00 P.M.**



<b>5.</b>	<b>Project Name:</b>	<b>The Creekside Mixed-Use Development Project</b>
	<b>Location:</b>	<b>5132 Telegraph Avenue</b>
	<b>Assessor's Parcel Number:</b>	014-1226-013-00
	<b>Proposal:</b>	Demolition of an existing commercial building and surface parking and the construction of up to 120 residential units (comprised of 115 market-rate units and five very low-income units), approximately 7,700 square feet of ground-floor commercial space, 120 enclosed parking spaces, and approximately 5,000 square feet of courtyard open space.
	<b>Applicant:</b>	George F. Hauser
	<b>Contact Person/Phone Number:</b>	George F. Hauser / (415) 701-0554
	<b>Owner:</b>	Daniel S. Jun
	<b>Case File Numbers:</b>	<b>CMDV07-064; ER07-017</b>
	<b>Planning Permits Required:</b>	Conditional Use Permit; Design Review; Variances
	<b>General Plan:</b>	Neighborhood Center Mixed Use (portion of site); Mixed Housing Type Residential (portion of site)
	<b>Zoning:</b>	C-28 Commercial Shopping District Zone (portion of site); R-40 Garden Apartment Residential Zone (portion of site)
	<b>Environmental Determination:</b>	An Initial Study has been prepared. An Environmental Impact Report (EIR) is required. A Notice of Preparation for the EIR was published on <u>December 21, 2007</u> . The public comment period on the Notice of Preparation ends on <u>January 21, 2008</u> .
	<b>Historic Status:</b>	Not a Potential Designated Historic Property (PDHP); Survey rating: X
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	1
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Solicit comments on the project, the Initial Study, and the scope of the EIR. No decisions will be made on the project at this hearing.
	<b>For further information:</b>	Contact the case planner, Darin Ranelletti, Planner III, at (510) 238-3663 or by e-mail at dranelletti@oaklandnet.com





<b>6.</b>	<p><b>Location:</b> 325-335 7<sup>th</sup> Street; 320-330 6<sup>th</sup> Street; 621-635 Harrison Street (APN: 001-0189-003-00 through 001-0189-009-00; 001-0189-013-00 and 001-0189-014-01)</p> <p><b>Proposal:</b> Demolition of five buildings and construction of 382 units in two, high-rise towers (23 stories) over a three-story parking podium (with one basement level garage). Project also includes 5,913 sq. ft. of retail and 2,999 sq. ft. of office.</p> <p><b>Applicant:</b> YHLA Architects</p> <p><b>Contact Person/Phone Number:</b> Yui Hay Lee / (510) 836-6688</p> <p><b>Owner:</b> BALCO Properties LTD, LLC</p> <p><b>Case File Number:</b> <a href="#">ER07-0002</a>; <a href="#">CMDV06-573</a></p> <p><b>General Plan:</b> Central Business District</p> <p><b>Zoning:</b> C-40 Community Thoroughfare Combing Zone S-17 Downtown Residential Open Space Combining Zone</p> <p><b>Environmental Determination:</b> 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 December 18, 2007. The comment period for the NOP ends on <u>January 16, 2008</u>.</p> <p><b>Historic Status:</b> The project is located within two historic districts: 7<sup>th</sup> Street Residential District and the Chinatown Support District. Both districts are considered Areas of Secondary Importance (API). There are several existing buildings on the project site that have been rated by the Oakland Cultural Heritage Survey (OCHS). Below is the building in the 7<sup>th</sup> Street Residential District and its rating: The property at 617-621 Harrison Street is located in the 7<sup>th</sup> Street Residential District and rated a C1+. The following properties are located in the 7<sup>th</sup> Chinatown Support District: 325 7<sup>th</sup> Street (F2), 329-331 7<sup>th</sup> Street (D2+), 333-335 7<sup>th</sup> Street (moved to another location), 316-320 6<sup>th</sup> Street (F3), and 330-332 (F3).</p> <p><b>Service Delivery District:</b> Downtown Metro</p> <p><b>City Council District:</b> 2</p> <p><b>Action to be Taken:</b> Receive public and Commission comments about what information and analysis should be included in the EIR. (Scoping Session).</p> <p><b>For Further Information:</b> Contact case planner <b>Heather Klein</b> at <b>510 238-3659</b> or by e-mail at <a href="mailto:hklein@oaklandnet.com">hklein@oaklandnet.com</a>.</p>
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## ***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:** December 19, 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:** January 16, 2008