



Mark McClure, Chair  
Colland Jang, Vice Chair  
Nicole Franklin  
Clinton Killian  
Suzie W. Lee  
Michael Lighty  
Anne Mudge

**JUNE 15, 2005**  
**Regular Meeting**

**MEAL GATHERING**      **5:00 P.M.**

Off Broadway Cafe & Catering Co., Cafe Deli, 416 15<sup>th</sup> Street

- Mark Morodomi – *(Discussion on Conflict of Interest)*

**BUSINESS MEETING**      **6:30 P.M.**

Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

**ROLL CALL**

**Present:** Franklin, Jang, Killian, Lighty, McClure  
**Excused Absence:** Lee, Mudge  
**Arrived After Roll Call:** Killian  
**Staff:** Cappio, Patton, Thombs - CEDA Planning and Zoning  
Wald, Lee – City Attorney

**WELCOME BY THE CHAIR**

Chair McClure, welcomed all to the meeting and explained the conduct of meeting.

**COMMISSION BUSINESS**

**Agenda Discussion**

**Director's Report:**

**Committee Reports**

**Commission Matters**

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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.***



**OPEN FORUM**

Sanjiv Handa, East Bay News Service

**PUBLIC HEARINGS**

1.	<b>Location:</b>	Pacific Cannery Lofts - 1111-1199 Pine Street, West Oakland APN 006-0029-002-00
	<b>Proposal:</b>	Public Hearing on the Preliminary Development Plan/Final Development Plan and Design Review approval for 163 units consisting of the conversion of the Pacific Coast Canning Company warehouse to 111 warehouse lofts; new construction of 38 live/work façade lofts and 14 courtyard townhouse lofts; and construction of a 243 space parking garage.
	<b>Applicant:</b>	PCL Associates, LLC
	<b>Contact Person/Phone Number:</b>	Alex Waterbury (510) 547-2122
	<b>Owner:</b>	Holliday Development
	<b>Case File Number:</b>	ER 03-0023, GP 04-545, RZ 04-544, CDET 04-032, VTPM 8552, PUD 05-014
	<b>Planning Permits Required:</b>	Preliminary Development Plan/Final Development Plan), Design Review
	<b>General Plan:</b>	Urban Residential
	<b>Zoning:</b>	Wood Street Zoning District
	<b>Environmental Determination:</b>	Environmental Impact Report certified March 16, 2005 by the Planning Commission and certification affirmed May 17, 2005 by the City Council
	<b>Historic Status:</b>	A potentially designated historic property (PDHP), ASI contributor of secondary importance (Cb+2+)
	<b>Service Delivery District:</b>	West Oakland 1
	<b>City Council District:</b>	3, Nancy Nadel
	<b>Status:</b>	Recommendations submitted by Design Review Committee and Landmarks Preservation Advisory Board
	<b>Action to be Taken:</b>	Final decision on the Preliminary Development Plan/Final Development Plan and Design Review
	<b>Finality of Decision:</b>	Appealable to the City Council
	<b>For Further Information:</b>	Contact project planner Margaret Stanzione at (510) 238-4932 or <a href="mailto:mstanzione@oaklandnet.com">mstanzione@oaklandnet.com</a>

Margaret Stanzione, project planner, reviewed the application.

**Speakers:**

Kevin Waiteland

David Baker

Jabari J. Herbert

Ayinde, BEBE

**Public hearing closed.**

Commissioner Jang moved to :

1. Find that the Planning Commission has independently reviewed, analyzed, and considered the EIR prior to acting on the approvals. Based upon such independent review, analysis, and consideration and exercising its independent judgment, the Planning Commission confirms that the Cannery Lofts Project is within the scope of the Wood Street Development Project EIR; and
2. Find and determine on the basis of substantial evidence in the record that none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resourced Code Section 21166 and



CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); and

3. Adopt the attached Conditions of Approval for the proposed project including the Mitigation Monitoring and Reporting Program. The monitoring and reporting of CEQA mitigation measures in connection with the project will be conducted in accordance with the MMRP. Adoption of this program will constitute fulfillment of the CEQA monitoring and /or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the efforts of the City of Oakland and other identified public agencies of responsibility as set forth in the conditions of approval and the MMRP ; and
4. Approve the Preliminary Development Plan, Final Development Plan, and Design Review for the Pacific Cannery Lofts project and the plans dated May 18, 2005 subject to the attached findings and conditions, seconded by Commissioner Franklin.

**ACTION:** On the motion: 5 ayes (Franklin, Jang, Killian, McClure, Lighty), 2 absent (Lee, Mudge) Motion approved.

<b>2.</b>	<b>Location:</b>	<b>Citywide</b>
	<b>Proposal:</b>	Consideration of a Draft Interim Design Review Manual for One- and Two-Unit Residences.
	<b>Applicant:</b>	City of Oakland
	<b>Case File Number:</b>	ZT04-197, DC 51
	<b>General Plan/Zoning:</b>	Citywide
	<b>Environmental Determination:</b>	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
	<b>Service Delivery District:</b>	All
	<b>City Council District:</b>	All
	<b>Status:</b>	Originally agendaized for the cancelled May 18, 2005 Planning Commission meeting; reviewed by the Design Review Committee of the Planning Commission on May 12, 2004, October 13, 2004 and February 23, 2005.
	<b>Action to be Taken:</b>	Decision on Interim Manual based on Staff Report.
	<b>Finality of Decision:</b>	Decision is Final
	<b>For Further Information:</b>	Contact case planner Christopher Buckley at 510-238-6983 or by email at: <a href="mailto:cbuckley@oaklandnet.com">cbuckley@oaklandnet.com</a> or Ed Manasse at 510-238-7733 or by email at <a href="mailto:emanasse@oaklandnet.com">emanasse@oaklandnet.com</a> .

Ed Manasse, case planner, reviewed the application.

**Speakers:**

Jim Glosli, SCHA

Glen Jarvis

Guita Boostani

Barry Pilger

Jane Powell

Sanjiv Handa, East Bay News Service

**Public hearing closed.**

Christopher Buckley

Marina Carlson

Ted Radosevich

Claudia Falconer

Arnold Mammarella



Commissioner Jang moved adoption of the Interim 1-2 Unit Residential Design Review Manual as submitted in Attachment B as the discretionary criteria, effective immediately, to be used for Special Residential Design Review, Mediated Residential Design Review and Regular Design Review; and to direct staff, working with the Design Review Committee and the Landmarks Preservation Advisory Board to draft the Final Manual using a format similar to that used for the Small Project Design Guidelines; and authorize the design Review Committee to approve changes to the Interim manual as needed in order to help implement the objectives presented in the Manual's criteria statements as amended, seconded by Commissioner McClure.

**ACTION:** On the motion: 4 ayes (Jang, Killian, McClure, Lighty), 2 absent (Lee, Mudge,) 1 on break (Franklin) Motion approved

<b>3.</b>	<b>Location:</b>	Citywide
	<b>Proposal:</b>	Consideration of revised residential design review procedures. Request for Planning Commission direction for preparation of zoning text. (Actual zoning amendments and related changes will be brought forward at a future date for public hearing)
	<b>Applicant:</b>	City of Oakland
	<b>Case File Number:</b>	ZT04-197
	<b>General Plan/Zoning:</b>	Citywide
	<b>Environmental Determination:</b>	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment.
	<b>Service Delivery District:</b>	All
	<b>City Council District:</b>	All
	<b>Status:</b>	Originally agendized for the cancelled May 18, 2005 Planning Commission meeting; reviewed by the Design Review Committee of the Planning Commission on May 12, 2004 and February 23, 2005.
	<b>Action to be Taken:</b>	Hold a public hearing, hear testimony from City staff and interested parties, and make recommendation to City Council based on staff report.
	<b>Finality of Decision:</b>	No decision at hearing. Actual zoning amendments and related changes will be brought forward at a future date for public hearing.
	<b>For Further Information:</b>	Contact case planner Christopher Buckley at 510-238-6983 or by email at: <a href="mailto:cbuckley@oaklandnet.com">cbuckley@oaklandnet.com</a> or Ed Manasse at 510-238-7733 or by email at <a href="mailto:emanasse@oaklandnet.com">emanasse@oaklandnet.com</a> .

Ed Manasse, case planner, reviewed the application.

Speakers:

Guita Boostani

Arnold Mammarella

Barry Pilger

Ted Radosevich

Marina Carlson

Sanjiv Handa, East Bay News Service

**Public hearing closed.**



<b>4.</b>	<b>Location:</b>	Northern Corner of 51 <sup>st</sup> Street and Telegraph Avenue, (APNs: 014-1226-003-03; -4-03; -5-02; -6-02; -7-02; -8-00 & -9-01)
	<b>Proposal:</b>	To determine the appropriate zoning classification of City-owned surplus property prior to sale of property pursuant to Ordinance No. 11602 C.M.S.
	<b>Owner/Applicant:</b>	City of Oakland
	<b>Contact Person/Phone Number:</b>	City of Oakland Real Estate Division/ Hamid Ghaemmaghani, at 238-6364
	<b>Case File Number:</b>	<b>ZR05-273</b>
	<b>Planning Permits Required:</b>	Zoning Review for confirmation of zoning
	<b>General Plan:</b>	Neighborhood Center Mixed Use/ Mixed Housing Type Residential
	<b>Zoning:</b>	C-28, Commercial Shopping District/ R-35, Special One-Family Residential Zone/ S-18, Mediated Design Review Combining Zone
	<b>Environmental Determination:</b>	Exempt, Section 15312, State CEQA Guidelines, Surplus Government Property Sales
	<b>Historic Status:</b>	No historic record
	<b>Service Delivery District:</b>	2
	<b>City Council District:</b>	1
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Determination of zoning classification and recommendations to City Council based on staff report.
	<b>Finality of Decision:</b>	<i>Recommendation to City Council</i>
	<b>For Further Information:</b>	Contact case planner Pete Vollmann at (510) 238-6167 or by email at pvollman@oaklandnet.com

Peterson Vollman, case planner, reviewed the application.

**Speakers:**

Sanjiv Handa, East Bay News Service

Hamid, City of Oakland, CEDA Real Estate Services

**Public hearing closed.**

Commissioner Lighty moved to affirm staff's environmental determination; affirm that the sale of the subject property conforms with the City of Oakland's general Plan, Land Use and Transportation Element and confirm the existing C-28 Commercial Shopping zoning of parcels 014-1226-088-00 & 009-01 located at the corner of Telegraph Avenue and 51<sup>st</sup> Street and the existing R-35 Special One Family Residential zoning of the properties located on 51<sup>st</sup> Street to the corner of Clarke Street consisting of APN's 014-1226-003-03; -4-03; -5-02; -6-02; & -7-02, seconded by Commissioner McClure.

**ACTION:** On the motion: 5 ayes (Franklin, Jang, Killian, McClure, Lighty ), 2 absent (Lee, Mudge)  
Motion approved.

**Note:** Commissioner Killian was absent from the meeting from 10:00 PM. through adjournment



5.	<b>Location:</b>	557 Merrimac St (APN 009 -0689-040-01) (2/14/05)
	<b>Proposal:</b>	To construct 40 residential units with approximately 2690 square feet of ground floor commercial
	<b>Applicant:</b>	Dinar and Associates
<b>Contact Person/Phone Number:</b>		Moshe Dinar (510)893-8300
	<b>Owner:</b>	Noel Yi
	<b>Case File Number:</b>	CMDV05-061
<b>Planning Permits Required:</b>		Major Interim Use Permit for 7 or more units in the R-80 Zone and to achieve the density of the Urban Residential General Plan designation, Regular Design Review, Minor Variance for a 0' front setback where 10' is required.
	<b>General Plan:</b>	Urban Residential
	<b>Zoning:</b>	R-80 High Density Residential Zone
<b>Environmental Determination:</b>		Exempt, Section 15332 of the State CEQA Guidelines; infill development.
	<b>Historic Status:</b>	Not a Potential Designated Historic Property; survey rating: F3
<b>Service Delivery District:</b>		2
<b>City Council District:</b>		1
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Contained in staff report
	<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
<b>For Further Information:</b>		Contact <b>Robert D. Merkamp</b> at (510) 238-6283 or by email: <a href="mailto:rmerkamp@oaklandnet.com">rmerkamp@oaklandnet.com</a>

Robert Merkamp, case planner, reviewed the application.

Speakers:

Moshe Dinar, project architect

**Public hearing closed.**

Commissioner Franklin moved to affirm staff's environmental determination and approve the Conditional Use Permit subject to the attached findings and conditions seconded by Commissioner Lighty.

**ACTION:** On the motion: 4 ayes (Franklin, Jang, McClure, Lighty ), 3 absent(Lee, Mudge, Killian)  
Motion approved



6.	<b>Location:</b>	10900 Edes Avenue (APN 045 -5263-003-00) (3/16/05)
	<b>Proposal:</b>	To construct 26 single family residences along with associated private road and street improvements
	<b>Applicant:</b>	East Bay Habitat for Humanity
	<b>Contact Person/Phone Number:</b>	Michael Chao (510) 251-6304
	<b>Owner:</b>	East Bay Habitat for Humanity
	<b>Case File Number:</b>	PUD05-124/TTM7598
	<b>Planning Permits Required:</b>	Vesting Tentative Tract Map to subdivide one parcel into 26 lots for single family dwellings and one remainder parcel for access easements and open space, a Planned Unit Development to set specific development standards for the property.
	<b>General Plan:</b>	Housing and Business Mix
	<b>Zoning:</b>	R-40 Garden Apartment Residential Zone
	<b>Environmental Determination:</b>	A Mitigated Negative Declaration for this project was adopted on November 16, 2004 as a part of the rezoning of this property. This Mitigated Negative Declaration analyzed the impact of this project at the scope and scale that is being proposed.
	<b>Historic Status:</b>	No historic record, vacant lot
	<b>Service Delivery District:</b>	6
	<b>City Council District:</b>	7
	<b>Status:</b>	Pending
	<b>Action to be Taken:</b>	Contained in staff report
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact Robert D. Merkamp at (510) 238-6283 or by email: rmerkamp@oaklandnet.com

Robert Merkamp, case planner, reviewed the application.

Speakers:

Jim Ergdol

**Public hearing closed.**

Commissioner Franklin moved to affirm staff's environmental determination and approve the Planned Unit Development and Tentative Tract Map subject to the attached findings and conditions, seconded by Commissioner McClure.

**ACTION:** On the motion: 4 ayes (Franklin, Jang, McClure, Lighty,), 3 absent (Lee, Mudge, Killian). Motion approved.



7.                   **Location:** 3420-26 Fruitvale Avenue (APN#028-0905-012-01)  
                      **Proposal:** Major Conditional Use Permit for Alcoholic Beverage Commercial Sales Activity in an existing grocery store..  
                      **Applicant:** Farmer Joe's Marketplace  
**Contact Person/Phone Number:** Edward and Diane Tam (510)-919-8571  
                      **Owner:** David Seyranian  
                      **Case File Number:** CM05-150  
                      **Planning Permits Required:** Major Conditional Use Permit  
                      **General Plan:** Neighborhood Center  
                      **Zoning:** C-31  
**Environmental Determination:** Exempt, CEQA Guidelines (General Rule Exemption) Section 15301  
                      **Historic Status:** Non-Historic Property (NHP)  
                      **Service Delivery District:**  
                      **City Council District:** 4  
                      **Status:** Approve application with attached conditions.  
                      **Action to be Taken:** Pending  
                      **Finality of Decision:** *Appealable to City Council*  
**For Further Information:** Contact case planner Jacob Graef at (510) 777-8672 or by email at jgraef@oaklandnet.com.

Jacob Graef, case planner, reviewed the application.

Speakers:

No speakers

**Public hearing closed.**

Commissioner Lighty moved to affirm staff's environmental determination and approve the Major Conditional Use Permit based on the ability to make the findings subject to the attached conditions, seconded by Commissioner Franklin.

**ACTION:** On the motion: 5 ayes (Franklin, Jang, Killian, McClure, Lighty) 2 absent (Lee, Mudge)  
Motion approved.





<b>8.</b>	<b>Location:</b>	1396 - 5 <sup>th</sup> Street (APN 004-0069-004-00)
	<b>Proposal:</b>	Construct a new mixed-use building containing 119 residential units and 3,790 sq. ft. of commercial space.
	<b>Applicant:</b>	Phillip Banta and Associates Architecture
	<b>Contact Person/Phone Number:</b>	Phillip Banta / (510) 654-3255
	<b>Owner:</b>	1396 5 <sup>th</sup> Street, LLC
	<b>Case File Number:</b>	CMDV05-166
	<b>Planning Permits Required:</b>	Regular Design Review to allow construction of a new building in the S-15 Zone; Interim Conditional Use Permit to apply the maximum density allowed under the General Plan; Minor Conditional Use Permit to allow off-street parking located on a another lot; Minor Variances to allow: 1) a building measuring 65 feet in height where 45 feet is the maximum allowed and 2) one courtyard with a width of 47 feet and a second courtyard with a width of 47 feet and 10 inches where 50 feet is the minimum width required
	<b>General Plan:</b>	Neighborhood Center Mixed Use
	<b>Zoning:</b>	M-20 Light Industrial Zone; S-15 Transit-Oriented Development Zone
	<b>Environmental Determination:</b>	Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects
	<b>Historic Status:</b>	The site is currently vacant. The previous building located in the site (Red Star Yeast factory) was classified as a Potential Designated Historic Property (Survey rating: Eb-3). The previous building was recently demolished.
	<b>Service Delivery District:</b>	1
	<b>City Council District:</b>	3
	<b>Status:</b>	The application was previously reviewed by the Design Review Committee on April 27, 2005.
	<b>Action to be Taken:</b>	Decision on application based on staff report and public testimony
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Darin Ranelletti</b> at (510) 238-3663 or by email at <a href="mailto:dranelletti@oaklandnet.com">dranelletti@oaklandnet.com</a>

Darin Ranelletti, case planner, reviewed the application.

**Speakers:**

Jabari Herbert  
Phillip Banta  
Joel Tena  
Melissa Buss

Sanjiv Handa, East Bay News Service  
Monsa Nitoto  
Bruce Beasley  
Ayinde, Jubilee West

Public hearing closed.

Commissioner Franklin moved to affirm staff's environmental determination and approve the Regular Design review, Interim Conditional Use Permit, Minor Conditional Use Permit, and Minor Variances subject to the attached findings and conditions as modified (during the meeting) by staff, seconded by Commissioner Lighty.

**ACTION:** On the motion: 5 ayes (Franklin, Jang, Killian, McClure, Lighty), 2 absent (Lee, Mudge)  
Motion approved.



APPEALS

9.	<b>Location:</b>	Brookpark Road (Vacant lot located immediately southeast of 12950 Brookpark Road; APN 085-0105-040-00)
	<b>Proposal:</b>	Appeal of approval of Creek Protection Permit to allow construction of a new single-family dwelling on a vacant lot.
	<b>Applicant/Owner:</b>	G. Peter Romweber
	<b>Contact Person/Phone Number:</b>	G. Peter Romweber / (510) 530-5027
	<b>Appellant:</b>	Robert & Joyce Bobb
	<b>Case File Number:</b>	A05-213 (CP03-094)
	<b>Planning Permits Required:</b>	Special Residential Design Review (New Construction Checklist Procedure) to allow construction of a new single-family dwelling; Creek Protection Permit (Category III) to allow construction on a creekside property.
	<b>General Plan:</b>	Hillside Residential
	<b>Zoning:</b>	R-30 One-Family Residential Zone
	<b>Environmental Determination:</b>	An addendum to a previously adopted Mitigated Negative Declaration was prepared for this project.
	<b>Historic Status:</b>	No historic record (vacant lot)
	<b>Service Delivery District:</b>	4
	<b>City Council District:</b>	6
	<b>Status:</b>	The application for a Creek Protection Permit was approved by the Chief of Building Services on April 25, 2005. The approval was subsequently appealed by the appellant on May 5, 2005.
	<b>Action to be Taken:</b>	Decision on appeal based on staff report and public testimony
	<b>Finality of Decision:</b>	Final Decision
	<b>For Further Information:</b>	Contact case planner Darin Ranelletti at (510) 238-3663 or by email at dranelletti@oaklandnet.com

Item 9 continued indefinitely.

COMMISSION BUSINESS

**Approval of Minutes** Commissioner Lighty moved approval of the minutes of December 15, 2004, May 4, 2005, and June 1, 2005, seconded by Commissioner Franklin.

**ACTION:** On the motion: 4 ayes (Franklin, Jang, McClure, Lighty), 3 absent (Lee, Killian, Mudge) Motion approved.

Correspondence

ADJOURNMENT

10:35 P.M

GARY V. PATTON  
Deputy Director of  
Planning and Zoning