

Oakland City Planning Commission

REVISED*AGENDA

Chris Pattillo, Chair Jim Moore, Vice Chair Jahaziel Bonilla Michael Coleman Jahmese Myres Adhi Nagraj Emily Weinstein

September 17, 2014
Regular Meeting

Revised 9-4-14 *(see end of Agenda)

MEAL GATHERING

5:15 P.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.)

<u>BUSINESS MEETING</u>

6:00 P.M.

Sgnt. Mark Dunakin Hearing Room 1, 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 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 Planning and Zoning Division, 250 Frank H. Ogawa Plaza, Oakland, California 94612. Reports are also available at the Strategic Planning Division on the 3rd floor (Suite 3315), which closes at 5:00 p.m.

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 devise, 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 are also available on-line, by 3:00 p.m. the Friday before the meeting, at www.oaklandnet.com. Select the "Government" tab, scroll down and click on "Planning & Zoning" click on "visit the Boards and Commissions page" under "Planning Commission". 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, 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 Section1094.6, 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 tokens.

Applicants or members of the public that plan power point presentations: Please contact Cheryl Dunaway at cdunaway@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.

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, a minimum of twenty-five (25) copies should be submitted to Planning staff no later than the time is scheduled to be considered by the Commission.

ROLL CALL

WELCOME BY THE CHAIR

COMMISSION BUSINESS

Agenda Discussion

Director's Report

Receive a report on a proposal to require public art as a requirement for private development projects.

Committee Reports

Commission Matters

City Attorney's Report

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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.

PLEASE NOTE: ITEM NO. 1, BELOW HAS BEEN REMOVED FROM THIS AGENDA.

Location: Public right-of-way adjacent to: 2400 Manzanita Drive Adjacent to: (APN: 048E-7315-002-00)

Proposal: To install a new 37' telecommunications monopole containing

2 antennas and pole mounted equipment.

Applicant / Matt Yergovich (for: AT&T)

Phone Number: (415) 596-3747

Owner: Public right-of-way: City of Oakland

Case File Number: PLN14047

Planning Permits Required: Major Conditional Use Permit with additional findings for Monopole

Telecommunications Facility in a Residential Zone; Regular Design Review and additional findings

Variance to locate within 1,500 feet of any existing monopole

General Plan: Hillside Residential

Zoning: RH-4 Hillside Residential Zone/

S-10 Scenic Route Combining Zone/

S-11 Site Development and Design Review Combining Zone

Environmental Determination: To be determined

Historic Status: Non-historic property

Service Delivery District: 2
City Council District: 4

Date Filed: March 10, 2014

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 Aubrey Rose AICP, Planner II

at (510) 238-2071 or arose@oaklandnet.com

2. Public right-of-way adjacent to: 1244, 1265, & 1300 Mountain Boulevard Location:

Adjacent to: (APN's: 048G-7418-023-01, 048G-7418-018-00, 048G-7418-Assessor's Parcel Number:

061-00)

To install a new macro telecommunications facilities (2 antennas and Proposal:

associated equipment cabinets) on two existing utility poles.

Applicant / Matt Yergovich (for: AT&T)

Phone Number: (415) 596-3747

Owner: GG&E joint Utility Pole in the Public right-of-way: City of Oakland

Case File Number: PLN14036

Planning Permits Required: Major Design Review and additional findings for Macro Telecommunications

facilities within a residential zone

General Plan: Hillside Residential

> Zoning: RH-4 Hillside Residential Zone

Environmental Determination: To be determined

Historic Status: Non-historic property Service Delivery District:

City Council District:

Date Filed: March 6, 2014

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 Moe Hackett, Planner II

at (510) 238-3973 or mhackett@oaklandnet.com

PLEASE NOTE: ITEM NO. 3, BELOW HAS BEEN REMOVED FROM THIS AGENDA.

Public right-of-way along Skyline Blvd north of Castle Location:

Park Trail (Joaquin Miller Park) Adjacent to: (APN: 029-1201-001-01)

Proposal: To install a new 36'-11" telecommunications monopole

containing antennas and pole-mounted equipment.

Applicant / Matt Yergovich (for: AT&T)

Phone Number: (415) 596-3747

> Public right-of-way: City of Oakland Owner:

Case File Number: PLN14052

Planning Permits Required: Maior Conditional Use Permit with additional findings for Monopole

Telecommunications Facility in an Open Space Zone

Variance to locate within 1,500-feet of any existing monopole

General Plan: Resource Conservation Area

> OS (RCA) Open Space (Resource Conservation Area) Zone Zoning:

Environmental Determination: To be determined

> Historic Status: Joaquin Miller Park Area of Secondary Importance

Service Delivery District: **City Council District:**

Date Filed:

March 6, 2014

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 Aubrey Rose AICP, Planner H

at (510) 238-2071 or arose@oaklandnet.com

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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 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. If any interested party seeks to challenge such decision in court, an appeal <u>must be filed</u> 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, 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. However, the appeal will be limited to issues and/or evidence presented to the City Planning Commission prior to the close of the City Planning Commission's public hearing on the matter.

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.

Location: 3431 Foothill Boulevard / Mercy Retirement & Care Center

(APN: 033 -2127-015-01

Proposal: To construct a 58,000 s.f. senior facility (memory impaired wing) with 50

rooms and 6 one-bedroom independent living units behind the primary 6-

story building at the center of the 5 acre property including: minor

demolition; renovation of existing buildings; new access from 35th Avenue; revision to parking layout; fencing; and landscaping including tree removal.

The project was originally noticed for the July 16, 2014 hearing; minor

revisions to the site proposal have been submitted

Applicant / Peter Lin / Greenbrier Development

Phone Number: (214) 979-2710

Owner: Mercy Retirement & Care Center

Case File Numbers: PLN14080 / T1400028

Planning Permits Required: Major Conditional Use Permit to expand a Health Care Civic Activity by

more than 20-percent/25,000 sf in the RM-3 Zone on a site that site exceeds

1 acre in area:

Regular Design Review to allow construction of a new facility, renovations

to existing facilities, and site modifications

Tree Permit to remove Protected or Preserve Trees

General Plan: Institutional/

Mixed Housing Type Residential at rear along E 18th St.

Zoning: CN-3 Neighborhood Commercial Zone (along Foothill Blvd. frontage)/

(continued on page 6) RM-3 Mixed Housing Type Residential Zone (set back from Foothill Blvd.)

(continued from page 5)

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines:

In-Fill Development Projects;

Section 15183 of the State CEQA Guidelines:

Projects Consistent with a Community Plan, General Plan or Zoning

Historic Status: Non historic property

Service Delivery District: **City Council District:**

> **Dates Filed:** May 7, 2014 / Revised August, 2014

Action To Be Taken: Decision based on staff report

Finality of Decision: Appealable to City Council within 10 calendar days

For Further information: Contact case planner Aubrey Rose, AICP

at (510) 238-2071 or arose@oaklandnet.com

5. Location: Citywide

Proposal to amend the city's Agricultural regulations throughout the Planning Proposal:

Code, and make other miscellaneous Planning Text, Map, and Height Area amendments, including but not limited to: 1) Clarifying the process and exceptions to the maximum yard requirements; 2) Standardizing design review procedure language; 3) Modifying the definition of "Live/Work" and "Work/Live" in the HBX and D-CE Zones, and the permitted activities chart for the HBX-4 Zone; 4) Streamlining the process for allowing alcoholic beverage manufacturers to sell their products on site; 5) Modifying the CUP findings for hotels; 6) Adding "Taxi and Light-Based Fleet Services" to the activity chart for the CIX-1, CIX-2, IG, and IO Zones; 7) Changing Minimum Lot Frontage and Width requirements in the CIX-1C and -1D Zones; 8) Clarifying the application of the S-19 Combining Zone in the CIX-1A, -1B, -1C, and -1D Zones; 9) Adding height area designations to the CC zoned parcels in West Oakland that were erroneously not mapped with a height area designation; 10) Changing the zoning from CIX-1A to -1B for the Post Office and block between 3rd St, 5th St, Union, and I-880 to better reflect the intent of the West Oakland Specific Plan; 11) Adding the T Overlay to two blocks between 3rd and 5th, Market and Brush Streets to better define the boundary of the intensive use area along the 3rd Street corridor; 12) Adjusting the boundary between the CC-2 and RM-2 Zones near the intersection of 7th and Peralta Streets to better reflect existing building character; 13) Clarifying that in the D-BV Zones, pharmacies are only permitted upon granting of a CUP and do not count toward the minimum retail floor area required to develop Residential Facilities; 14) Amending the development standards in the Wood Street Zoning District in support of the redevelopment of the 16th Street Train Station; 15) Establishing reasonable deadlines for submittal of written

materials; and 16) Making other minor Zoning Text changes to improve the

clarity of the Planning Code City of Oakland

Applicant: Contact Person/Phone Number:

Ed Manasse: 510-238-7733

Case File Number: **ZA14010**

Planning Permits Required: Planning Amendment (ZA)

General Plan: All Zoning: All

(continued on page 7)

(continued from page 6)

Environmental Determination: The proposed amendments to the Planning Code rely on the previously

certified Final Environmental Impact Reports for the Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan EIR (2013)Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas: the 1998 Amendment to the Historic Preservation Element of the General

Plan; the 2007-2014 Housing Element Final EIR (2010); and various Redevelopment Plan Final EIRs (collectively, "EIRs"). No further

environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) general rule, (no

significant effect on the environment).

Historic Status:

Varies **Service Delivery District:** All

City Council District: All For further information:

Contact Ed Manasse at (510)238-7733 or email

emanasse@oaklandnet.com

6. Location: District 3

> Proposal: Proposal to amend the General Plan's Community Commercial land use

classification text for the Broadway Valdez District Specific Plan (BVDSP) area to allow a maximum density of 250 units per gross acre to conform to recently adopted changes to this land use classification (for the BVDSP area only) that increased the Floor Area Ratio (FAR) to 8.0 and the density allowed

by the new zoning for the Broadway Valdez District.

Applicant: City of Oakland

Contact Person/Phone Number: Alisa Shen (510) 238-2166

Case File Number: GP14-003

Planning Permits Required: General Plan Amendment (GP)

Zoning: **D-BV** Zones

Environmental Determination: The proposed General Plan text correction relies on the previously certified

Environmental Impact Report for the Broadway Valdez Specific Plan (2014)

Historic Status: Varies

Service Delivery District: 2

> **City Council District:** District 3

For further information: Contact Alisa Shen at (510) 238-2166 or email ashen@oaklandnet.com

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Location: 11450 Golf Links Road (APN: 048-5813-003-04)

Proposal: Renovate the existing driving range at the Lake Chabot Golf Course. The

proposal would include grading activities to alter the range for better sight

lines and increase the number of tee boxes to 18.

Applicant: Touchstone Golf LLC

Contact Person/Phone Number: Lyle Oehler, (510) 701-2044

Owner: City of Oakland

Case File Number: CM10-220 & CP10-089

Planning Permits Required: Major Conditional Use permit for a driving range alterations/expansion and a

Category III Creek Permit.

General Plan: Urban Park and Open Space

Zoning: OS Zone (SU), Open Space Special Use Zone

Environmental Determination: Exempt, Sections 15301 of the State CEQA Guidelines; existing facilities; 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: B2+ Chabot Golf

Course

Service Delivery District: 6

City Council District: 7

Status: Pending

Action to be Taken: Decision on application based on Staff Report

Finality of Decision: Appealable to City Council within 10 days

For Further Information: Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email:

pvollmann@oaklandnet.com.

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Children's Hospital and Research Center Oakland (CHRCO) Location:

The CHRCO campus is located at 747 52nd Street and is generally bounded by 53rd Street to the north, State Route 24 (SR-24) to the east, and Martin Luther King Jr. Way and the elevated BART tracks to the south and west. APNs:

Multiple

Public hearing on the Draft Environmental Impact Report to obtain comments on Proposal: the environmental analysis related to the redevelopment of the CHRCO campus.

The Project would occur in two phases.

Phase I would (a) demolish one residential building and minor rear yard additions on two residential buildings; (b) construct a six-story, 89,100 sq. ft. Outpatient Center (OPC2) and a 1,100 sq. ft. addition to the existing Central Plant Building; (c) construct a new entrance to the existing parking garage off Martin Luther King Jr. Way; (d) improve landscaping and utilities; and (e) renovate 95,500 sq. ft. within the existing Hospital.

Phase II would (a) demolish one residential building, a modular building, the rear portions of three residential buildings, the B/C Wing, the existing helistop structure, the Bruce Lyon Memorial Research Center, the HemOnc Administrative Building and several trailers; (b) construct a two-story, 14,500 sq. ft. Family Residence Building with 12 to 16 residential units; a three-story, 31,300 sq. ft. Clinical Support Building; a five-story, 43,500 sq. ft. Link Building with a heli-stop on the roof; a five-story, 101,000 sq. ft. Patient Pavilion; a 3,800 sq. ft. Central Utility Plant Building; and a four-story. 114,900 sq. ft. parking structure with 334 stalls; (c) acquire and improve 1.5 acres of Caltrans Right-of-Way; (d) improve site access and circulation to 52nd Street and Dover Street; (e) improve landscaping and utilities; and (f) renovate 42,342 sq. ft. within the existing Hospital. Full Project build-out would result in 210 beds (increase of 40 on-site), 988 patients and outpatient visitors (increase of 113), 761 inpatient visitors (increase of 157) and 2.371 staff (increase of 205).

Applicant:

Children's Hospital and Research Center Oakland, Doug Nelson

Phone Number:

(510) 428-3066

Owner:

Children's Hospital and Research Center Oakland

Case File Number:

ER12-0013

Planning Permits Required:

General Plan Amendment, Rezoning, Preliminary Planned Unit Development Permit for Phases 1 & 2, Final Planned Unit Development Permit for Phase 1. Conditional Use Permits to change from residential uses to health care use, demolition of rooming units in the S-1 zone, ground floor exceeding 1,500 sq. ft. of non-residential in the RM-2 Zone, healthcare civic uses in the CN-3 zone, and commercial uses in the S-1 zone, Vesting Tentative Map, and other

possible discretionary permits and/or approvals.

General Plan: Zoning:

Institutional, Mixed Housing Type, Neighborhood Center

S-1, Medical Center Zone; RM-2, Mixed Housing Type Residential Zone-2; CN-

3. Neighborhood Commercial Zone – 3

Environmental Determination:

The Draft Environmental Impact Report (EIR) was published for a 45-day

review period from August 7, 2014 to September 22, 2014.

Historic Status:

The A/B Wing (Baby Hospital) on the main CHRCO campus is considered a Potentially Designated Historic Property (PDHP) and a CEQA historic resource with a current (revised) rating of B3 by the Oakland Cultural Heritage Survey (OCHS), as confirmed by the Landmarks Preservation Advisory Board (LPAB) on August 12, 2013. The proposal includes several properties within the 55th and Dover Residential District Area of Secondary Importance which are considered PDHPs.

(continued on page 10)

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Service Delivery District: 2- North Oakland/North Hills

City Council District: 1- Kalb Actions to be Taken: No decis

No decision. The purpose of this meeting is to receive public and Planning Commission

comments on the Draft Environmental Impact Report.

For Further Information: Contact Project planner Heather Klein at (510) 238-3659 or hklein@oaklandnet.com or

Robert Merkamp at (510) 238-6283 or rmerkamp@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.

COMMISSION BUSINESS

Approval of Minutes

Correspondence

City Council Actions

<u>ADJOURNMENT</u> By 10:30 P.M. unless a later time is agreed upon by a majority of Commissioners present.

ROBERT MERKAMP

Development Planning Manager Planning and Zoning Division

NEXT MEETING: October 1, 2014

*Revised 09-04-14 to indicate Items #1 and #3 (2400 Manazanita Drive) (Skyline Boulevard) has been removed.