



Chris Pattillo, Chair
Jonelyn Whales, Vice-Chair
Jahaziel Bonilla
Michael Coleman
Jim Moore
Adhi Nagraj
Emily Weinstein

November 20, 2013
Regular Meeting

Revised 11-8-13 * (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.)

BUSINESS MEETING

6:00 P.M.

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

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director's Report, should fill out a speaker card and give it to the Secretary "*Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda*". Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes.

The order of items will be determined under "Agenda Discussion" at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after **10:15 p.m.**, and the meeting will adjourn no later than **10:30 p.m.** unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

Please check with the 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

For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Community and Economic Development Agency, Planning and Zoning Division, at 510-238-3941.

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the **Planning Department at 510-238-3941** or **TDD 510-238-3254** at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.



**New web-site staff report
download instructions**

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.

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 Section 1094.6, unless a shorter period applies.

Please note that the descriptions of the applications found below are preliminary in nature and that the projects and/or descriptions may change prior to a decision being made.

While attending Planning Commission Meetings, parking in the Clay Street Garage is free. Attendees should see staff at the meeting for validation of parking 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

Status Report on Mills Act contract selections, 2013:
1218 East 21st Street; 1710 Filbert Street; 3054
Richmond Boulevard



Committee Reports

Election of Vice-Chair

Commission Matters

City Attorney's Report

OPEN FORUM

At this time members of the public may speak on any item of interest within the Commission's jurisdiction. Speakers are generally limited to two minutes or less if there are six or less speakers on an item, and one minute or less if there are more than six speakers.

CONSENT CALENDAR

The Commission will take a single roll call vote on all of the items listed below in this section. The vote will be on approval of the staff report in each case. Members of the Commission may request that any item on the Consent Calendar be singled out for separate discussion and vote.

PUBLIC HEARINGS

The hearing provides opportunity for all concerned persons to speak; the hearing will normally be closed after all testimony has been heard. If you challenge a Commission decision in court, you will be limited to issues raised at the public hearing or in correspondence delivered to the Zoning Division 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 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, 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.



1.	Project Name:	Every Dog Has Its Day Care
	Location:	1315 16th Street (APN005-0482-001-00)
	Proposal:	Allow a board and care facility for dogs
	Contact Person/Phone Number:	David Trachtenberg (510)649-1414 ext. 12
	Owner:	Lauren Westreich, Romeo West LLC
	Case File Number:	CM13283
	Planning Permits Required:	Major Conditional Use Permit to allow Animal Care and Boarding in a 24,000 square foot building (half existing, half to be built) on a 48,500 square foot parcel
	General Plan:	Business Mix
	Zoning:	CIX-1 Commercial Zoning District/S-19 Combining District
	Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15303 & 15332
	Historic Status:	Not a Potential Designated Historic Property.
	Service Delivery District:	1
	City Council District:	1
	Commission Action to Be Taken:	Approve Staff Recommendation
	Appeal:	Appealable to the City Council within 10 days
	For Further Information:	Contact David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

2.	Location:	The Lake Merritt Station Area Plan Area is generally bounded by 14 th Street to the north, I-880 to the south, Broadway to the west and 5 th Avenue to the east.
	Proposal:	The City is preparing a Lake Merritt Station Area Plan (Plan) for the area surrounding the Lake Merritt BART Station that will provide a roadmap for how the area develops over the next 25 years. The purpose of this public hearing is to solicit/provide comments on the Draft Environmental Impact Report (DEIR) associated with the draft Plan, Design Guidelines, and General Plan and Planning Code Amendments (text and map changes).
	Applicant:	City of Oakland
	Case File Number:	ZS11225, ER110017, GP13287, ZT13288, RZ13289
	General Plan:	Land Use and Transportation Element (LUTE) Areas: Central Business District, Institutional, Urban Open Space, Urban Residential, Business Mix, Community Commercial, Neighborhood Center Mixed Use. Estuary Policy Plan Areas: Planned Waterfront Development 1, Mixed Use District.
	Zoning:	CBD-X, CBD-P, CBD-P/CH, CBD-R, CBD-C, OS-(SU), OS-(LP), OS-(NP), OS-(RCA), S-2, RU-4, RU-5, M-40/S-4
	Environmental Determination:	An Environmental Impact Report is being prepared for the Lake Merritt Station Area Plan. The DEIR was released on October 31, 2013, and the 45-day public review period ends on December 16, 2013.

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Historic Status: The Plan area includes Areas of Primary Importance (API); Areas of Secondary Importance (ASI); properties individually rated A, B, C, D; and Landmark properties. Many of these properties are considered CEQA Historic Resources in the DEIR, since they may be eligible for, or are on an historical resource list (including the California Register of Historic Resources, the National Register of Historical Resources, and/or the Local Register).

Service Delivery District: Metro, 3

City Council District: 2, and a small portion of 3

Action to be Taken: Receive public and Planning Commission comments on the DEIR. No decisions will be made on the project at this hearing.

For Further Information: Contact project planner Christina Ferracane at **510-238-3903** or cferracane@oaklandnet.com
Project website: <http://www.business2oakland.com/lakemerrittsap>

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.

PLEASE NOTE: ITEM NO. 3, Below, Will Not Be Heard Prior To 8:00 P.M

3. **Location:** A portion of the Kaiser Permanente Oakland Medical Center, Phase 2 site –*the Phase 2 site is on the full block between Broadway and Piedmont Ave., and between I-580 and West MacArthur Blvd.; this project is a portion of the site located at the corner of Piedmont Ave. & W. MacArthur Blvd.*
(APN: 012-0940-001-03)
- Proposal:** Appeal of a Zoning Approval of an Interim Landscape Plan, including landscape, streetscape enhancements and lighting, and temporary façade improvements, in accordance with Condition of Approval #25 for the original hospital renovations project approved under Case #DR07-496).
- Contact Person/Phone Number:** Sarah Cohen, et al - Appellant, Representing Richmond Blvd. (Oak Glen Park) Neighbors
(510)414-6005
- Owner:** Kaiser Foundation Hospitals

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Case File Number: A13273 (related to DR13177 and DR07496)
Planning Permits Required: Appeal of a Zoning Approval of an Interim Landscape Plan and other improvements related to the renovation of an existing hospital, for the corner of MacArthur Blvd. and Piedmont Ave.
General Plan: Institutional
Zoning: D-KP - 2 Kaiser Permanente Oakland Medical Center
Environmental Determination: An EIR for the Kaiser Permanente OMC Master Plan was prepared by the City of Oakland. That EIR was certified by the Oakland Planning Commission on June 6, 2006, and its certification confirmed by the City Council on June 27, 2006. The current project is generally consistent with that analyzed in the Master Plan EIR. No additional environmental review is required.
Historic Status: Not a Potential Designated Historic Property; Survey Rating: F3
Service Delivery District: 2
City Council District: 3
Date Filed: September 23, 2013
Staff Recommendation: Deny Appeal
Action to be Taken: Decision regarding Appeal Request
Finality of Decision: Final, not administratively appealable
For More Information: Contact Case Planner, Ann Clevenger, at (510)238-6980 or aclevenger@oaklandnet.com

COMMISSION BUSINESS

Approval of Minutes October 16, and October 30, 2013

Correspondence

City Council Actions

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 MEETING: December 6, 2013

*Revised 11-8-13 to add the "Election of Vice-Chair" to Commission Matter on page 3.