



Anne Mudge, Chair
Doug Boxer, Vice Chair
Michael Colbruno
Nicole Franklin
Suzie W. Lee
Michael Lighty
Madeleine Zayas Mart

November 1, 2006
Regular Meeting

***REVISED – 10-26-06**

MEAL GATHERING

5:00 P.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

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.



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 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.

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 Upcoming meeting dates due to holidays (including Nov. 22nd DRC, Dec 20th Regular meeting, December 27, 2006 DRC)

Director's Reports

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.

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:	2815 West Street (APN 009 -0693-004-00) (5/19/06)
Proposal:	To establish a Service-Enriched Permanent Housing Activity for 16 adults within an existing structure; no external changes proposed.
Applicant:	Carolyn Robinson, East Bay Transitional Housing
Contact Person/Phone Number:	Carolyn Robinson, (510) 978-1146
Owner:	Carolyn Robinson, East Bay Transitional Housing
Case File Number:	CM06-245
Planning Permits Required:	Major Conditional Use Permit
General Plan:	Mixed Housing Type
Zoning:	R-36 Special Small Lot Residential Zone
Environmental Determination:	Exempt, 15301 State CEQA Guidelines; minor alterations to existing facilities
Historic Status:	The building is not a Potentially Designated Historic Property(PDHP); post 1945
Service Delivery District:	I
City Council District:	3
Status:	This item was continued from October 4 and October 18, 2006.
Action to be Taken:	Decision based on staff report
Finality of Decision:	Appealable to City Council
For Further Information:	Contact case planner Chris Candell at (510) 238-6986 or by email: ccandell@oaklandnet.com

2.

Location:	Citywide
Proposal:	Consideration of revisions to the City of Oakland Subdivision Regulations (Title 16 of the Oakland Municipal Code) regarding the conversion of rental housing to condominium ownership as requested by Council Members De La Fuente, Brooks and Chang. These proposed changes include substitution of a fee to be paid to a Housing Trust Fund for the current condo conversion rights provisions, establishment of a cap on the number of conversions allowed per year of 1,500 units and changes to the required tenant assistance to be provided by the entity doing the conversion.
Applicant:	City of Oakland
Environmental Determination:	Exempt; Section 15301(k) Existing Facilities, Section 15183 Projects Consistent with a General Plan and Section 15061(b)(3), "general rule," no possibility of significant effect on the environment because of no physical change to facilities.
Action to be Taken:	Provide recommendation to City Council on proposals for revised condominium regulations.
Staff recommendation:	That the City Planning Commission hears public testimony on the proposed changes and make recommendations to the City Council.
For further information:	Contact case planner Eric Angstadt at 510-238-6190 or by email at egangstadt@oaklandnet.com .



- 3.**
- Location:** 788 54th Street @ MLK Jr. Way (APN: 014-1208-018-02)
- Proposal:** New Construction of a five story mixed use building containing 27 dwelling units over ground floor commercial.
- Applicant:** Tom Dolan
- Contact Person/Phone Number:** (510) 839-7200
- Owner:** John Coyle
- Case File Number:** [CDV06-271](#)
- Planning Permits Required:** Design Review for new construction, Interim Conditional Use Permit for Residential Density allowed within the Neighborhood Center Mixed Use General Plan Area, and Minor Variances to allow reduced setbacks (Front Setback: 10'0" required; 0'0" proposed at corner of MLK) (Rear Setback: 10'0" required; 0'0" proposed), and height (45'0" permitted; 55'0" proposed).
- General Plan:** Neighborhood Center Mixed Use
- Zoning:** C-10, Local Retail Commercial Zone
S-18, Mediated Design Review Zone
- Environmental Determination:** Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects.
- Historic Status:** Potentially Designated Historic Property (PDHP); rating:Dc3
- Service Delivery District:** 2
- City Council District:** 1
- Status:** This item was continued from the October 18, 2006 meeting.
- 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.



- 4. Project Name:** **Kaiser Permanente, Broadway Medical Office Building and Parking Garage**
- Location:** Generally the western side of the 3700 block of Broadway between West MacArthur Boulevard and 38th Street, plus two extensions of these properties through the mid-block to Manila Avenue
- Proposal:** Kaiser Permanente has requested **Design Review** approval for their Phase I Medical Office Building and parking garage.
Prior planning approvals for this project include a General Plan Amendment and Redevelopment Plan Amendment approved on June 27, 2006; and Rezoning and Master Plan approval on July 18, 2006, and Creek Permit approval on September 6, 2006.
- Applicant:** Kaiser Permanente, Kaiser Foundation Health Plan
Michael Lane, Project Director, Kaiser Permanente (510) 987-2373
- Owner:** Kaiser Permanente, plus 1 additional property on Broadway yet to be acquired by Kaiser
- Case File Number:** [CMD06284](#)
- General Plan:** Institutional
- Zoning:** KX (Kaiser Permanente Zone)
- Historic Status:** No historic structures
- Environmental Determination:** A Draft EIR was released on March 2, 2006 and the public comment period on the Draft EIR ended on April 17, 2006. The Final EIR was released on May 26, 2006. The EIR was certified by the Oakland Planning Commission on June 6, 2006
- Service District:** North Oakland
- City Council District:** 1 (north of MacArthur)
- Staff Recommendation:** That the Planning Commission approve Design Review for the Phase 1 Broadway Medical Office Building and parking garage. Approval subject to the conditions, requirements, and findings contained in the staff report.
- For further information:** Contact: **Scott Gregory**, contract planner to the City at 510-535-6690, or by email at kaiser@lamphier-gregory.com.

PLEASE NOTE: THE FOLLOWING ITEMS (# 5-8) WILL NOT BE HEARD BEFORE 7:30 p.m.



5.	<p>Location: 2935 Telegraph Avenue (APN's 009-0698-001-00; 009-0698-002-01; 009-0698-002-02; 009-0698-002-03; 009-0698-030-00)</p> <p>Proposal: Scoping Session to identify the issues that need to be addressed and to receive comments on an Initial Study for a Draft Environmental Impact Report (DEIR) regarding a proposal to demolish the surface parking lot and existing building on the site, and to construct +/-280,000 sq. ft., five-story building, including approximately 142 residential units, 2,900 square feet of ground floor retail, open space areas and on-site parking (below ground and at ground level) for approximately 204 automobiles.</p> <p>Applicant: TCR Northern California 1, Inc.</p> <p>Contact Person/Phone Number: Dan Garibaldi (650)349-1224</p> <p>Owner: Thomas D. Schmitz and Mary K. Schmitz</p> <p>Case File Number: VMD06-441; ER06-0012</p> <p>Planning Permits Required: Major Design Review and Variances for reduction of required rear yard setback, reduction of required off-street loading berths, and separation between two driveways less than the 25-foot minimum required separation.</p> <p>General Plan: Community Commercial/Urban Residential</p> <p>Zoning: C-40 – Community Thoroughfare Commercial; R-80 – High-rise Apartment Residential</p> <p>Environmental Determination: An Environmental Impact Report must be prepared for this project.</p> <p>Historic Status: Most recently used as the Courthouse Athletic Club, and previously a mortuary remodeled from a residence. Oakland Cultural Heritage Rating of B+3 (of major importance, not in an area of primary or secondary importance). City of Oakland Historic Resource for purposes of CEQA.</p> <p>Service Delivery District: North Oakland 2</p> <p>City Council District: 3 – Nancy Nadel</p> <p>Status: An Initial Study (IS) that identifies the areas of probable environmental effects has been prepared. The IS and a Notice of Preparation (NOP) to prepare the DEIR were published on October 6, 2006 for review and comment. Comments must be received on or before November 6, 2006.</p> <p>Action to be Taken: Receive public and Commission comments about what information and analysis should be included in the EIR.</p> <p>For Further Information: Contact case planner Joann Pavlinec at (510) 238-6344 or by email: jpavlinec@oaklandnet.com</p>
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6*	<p>Location: 2000-2006 21st Avenue (APN: 021-0253-019-00)</p> <p>Proposal: To construct a third unit on a 7,000 square foot lot with two existing units.</p> <p>Applicant: Jose Saucedo</p> <p>Contact Person/Phone Number: (510) 502-5519</p> <p>Owners: Arturo and Carolina Aguayo</p> <p>Case File Number: VMD06-357</p> <p>Planning Permits Required: Major Variance to exceed the density allowed in the R-36 Zone (2,500 square feet of lot area required per dwelling unit), and Design Review to construct a third dwelling unit in the R-36 Zone.</p> <p>General Plan: Mixed Housing Type Residential</p> <p>Zoning: R-36 Small Lot Residential Zone</p> <p>Environmental Determination: Exempt, Section 15303, State CEQA Guidelines, new construction or conversion of small structures.</p> <p>Historic Status: Not a Potential Designated Historic Property; Survey rating: D3</p> <p>Service Delivery District: 3</p> <p>City Council District: 2</p> <p>Status: Pending</p> <p>Action to be Taken: Decision of Application</p> <p>Finality of Decision: <i>Appealable to City Council</i></p> <p>For Further Information: Contact case planner Michael Bradley at (510) 238-6935 or by email: mbradley@oaklandnet.com</p>
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***NOTE: ITEM #6 HAS BEEN CONTINUED TO AN INDEFINITE DATE IN 2007.**

7*	Location:	Kenilworth Road (off Strathmoor Drive, in the general area between Drury Road and Norfolk Road)
	Assessors Parcel Number:	APN 048H-7615-007-00
	Proposal:	The proposed project would provide for the construction of seven single-family dwellings by means of a Planned Unit Development (PUD). The proposed PUD includes the following components: (1) a tentative parcel map to subdivide four existing lots as follows: existing lot nos. 1 and 2 would be merged into one lot, existing lot no. 3 would remain, and existing lot no. 4 would be divided into four lots and a designated remainder for a total of seven lots, (2) development of the project site and footprints for seven custom-built, single-family residences, including parking, landscaping, and post-construction stormwater management facilities, (3) roadway improvements, including widening and paving the unpaved portion of Kenilworth Road, (4) wildland fire protection, (5) geotechnical stabilization of the site and of upslope properties, and (6) enhancement and protection of a small on-site wetland and drainage course, including establishment of a creek boundary deed restriction, and protection of an off-site creek
	Applicant/Owner:	Eva Gero and David McDonald
	Contact Person/Phone Number:	David McDonald (707) 477-2389
	Case File Number:	<u>PUD 04-195, ER 040006, CP04068, TPM 8228</u>
	Planning Permits Required:	Planned Unit Development (PUD), Creek Protection Permits, Tentative Parcel Map, and Minor Variance to permit 5' side yard setbacks along lot lines opposite the creek on Parcels 1 and 2, where 5' or 10 percent of the lot width is required, to create creek buffer zone.
	General Plan:	Hillside Residential
	Zoning:	R-30, One-Family Residential Zone, S-14 Community Restoration Combining Zone, and S-18 Mediated Residential Design Review Combining Zone.
	Environmental Determination:	Final EIR published on October 20, 2006
	Historic Status:	Vacant Parcel – No Historic Status
	Service Delivery District:	II
	City Council District:	1
	For Further Information:	Contact case planner Leigh McCullen at (510) 238-4977 or by email at lmccullen@oaklandnet.com

***NOTE: ITEM #7 HAS BEEN CONTINUED TO THE NOVEMBER 15, 2006 PLANNING COMMISSION MEETING.**



8.	<p>Location: Site bounded by Broadway, 23rd Street, Valley Street, and 24th Street (“Parcel B” portion of Broadway-West Grand Project).</p> <p>Proposal: Amendment to PUDF03553 to allow 367 residential units, 27,700 sf. commercial space, and associated parking and open space. Represents a net increase of 62 residential units, 10,200 square feet of commercial space, and 15 parking spaces over the existing FDP.</p> <p>Project Sponsor: Signature Properties, Inc.</p> <p>Owners: Negherbon Lincoln Mercury, Inc.; Signature at Broadway Grand LLC; Craig Hertz</p> <p>Case File Numbers: <i>PUDF03553 (related to PUD03552, TTM7811, ER030022)</i></p> <p>Planning Permits Required: Amendment to Final Development Plan, Minor CUP to allow increased density, and Design Review..</p> <p>General Plan: Community Commercial</p> <p>Zoning: C-40 Community Thoroughfare Commercial Zone / C-60 City Service Commercial Zone</p> <p>Environmental Determination: Addendum to EIR. Final EIR certified on December 1, 2004.</p> <p>Historic Status: Site includes five buildings considered historic resources under CEQA.</p> <p>Service Delivery District: II – North Oakland/North Hills</p> <p>City Council District: 3</p> <p>Action to be taken: Consider approval of amendment to PUDF03553, Minor Conditional Use Permit and Design Review; accept EIR addendum.</p> <p>For further information: Contact case planner Catherine Payne at (510) 238-6168 or cpayne@oaklandnet.com</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.

(No Appeals on this Agenda)



Approval of Minutes: October 4, 2006

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 November 15, 2006

***Revised 10-26-06 to Note Continuances for items #6 and #7**

****Note new starting time of 6:00 p.m.**