



*Colland Jang, Chair
Anne Mudge, Vice Chair
Mark McClure
Nicole Franklin
Doug Boxer
Suzie W. Lee
Michael Lighty*

May 17, 2006
Regular Meeting

REVISED 5-11-06

MEAL GATHERING

5:00 P.M.

Off Broadway Café & Catering, 416 15th Street, Oakland.

Open to the public at no charge. (Members of the public must pay for their own meals if desired. Purchase of meal is not required to attend.)

BUSINESS MEETING

6:30 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.

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.



Staff reports for items listed on this agenda will be available by 3:00 p.m. Community and Economic Development Agency, Planning and Zoning **the Friday before the meeting**, to any interested party, at the 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. 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

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.

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 its 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.



Proposal: Create separate ownership opportunities for five existing dwelling units. Condominium conversion rights are being generated from 571-663 Merritt Avenue and 610-612 Beacon Street and 15 Whitmore Place.

Owner: Barbara Roessler / Russell L. Abel

Contact Person/Phone Number: John Gutierrez (510) 647-0600

Case File Number: [TTM7754](#) [Memo Attachment](#)

Planning Permits Required: Tentative Tract Map for a 5 unit condominium conversion in the Secondary Impact Area.

General Plan: Urban Residential

Zoning: R-80 High Rise Apartment Residential Zone, S-4 Design Review Overlay Combining Zone

Environmental Determination: Exempt 15315; State CEQA Guidelines, Minor Land Divisions

Historic Status: Not a Potentially Designated Historic Property, Survey Rating F1-III

Service Delivery District: III

City Council District: 3

Status: Continued from May 3, 2006

Action to be Taken: Action to be taken based on staff report

Finality of Decision: Appealable to City Council

For Further Information: Contact case planner Leigh McCullen at (510) 238-4977 or by email at lmccullen@oaklandnet.com

2. **Location:** 1913 San Pablo Avenue

Proposal: Major Conditional Use Permit to relocate an off-sale Alcoholic Beverage Commercial Sales Activity into a newly renovated building.

Applicant: Francois Alexandre

Contact Person/Phone Number: Francois Alexandre / 510-978-1784

Owner: Mash Petroleum , Inc.

Case File Number: [CM06-52](#)

Planning Permits Required: Major Conditional Use Permit

General Plan: Central Business District

Zoning: C-51 / S-17

Environmental Determination: Exempt, CEQA Guidelines (General Rule Exemption) Section 15301

Historic Status: Non Historic Property (NHP)

Service Delivery District: 1

City Council District: 3

Status: Pending

Action to be Taken: Approve application with attached conditions.

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.

3. **Project Name:** Kaiser Permanente Oakland Medical Center Master Plan



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| Location: | Generally the area surrounding the intersection of Broadway and West MacArthur Boulevard . Includes the existing Kaiser Hospital and associated facilities, the MacArthur/Broadway Center (M/B Center), the eastern side of the 3700 block of Broadway, and the AAA building site at MacArthur/Shafter |
| Proposal: | The proposed Kaiser Permanente Oakland Medical Center Master Plan is the phased replacement of the existing medical center with a new medical center campus of approximately 1.78 million square feet on approximately 21 acres. Planning permits ultimately required include: General Plan amendment; Redevelopment Plan amendment; rezoning; Master Plan, Preliminary Development Plan and Final Development Plan/Design Review; Conditional Use permit; Subdivision Map; Tree Removal permit; Creek Protection permit; Demolition permit |
| Applicant: | Kaiser Permanente, Kaiser Foundation Health Plan Michael Lane, Project Director, Kaiser Permanente (510) 987-2373 |
| Owner: | Kaiser Permanente and additional properties which may ultimately be incorporated into the proposed medical center campus but which Kaiser Permanente does not currently own |
| Case File Number: | ER05-0004//GP06-136/RZ06-137/PUDF06-139 |
| General Plan: | Institutional, Community Commercial, Mixed Housing Type Residential, and Neighborhood Center Mixed Use |
| Zoning: | S-1 Medical Center, C-40 Community Thoroughfare Commercial, C-25 Office Commercial, R-70 High Density Residential, and the S-18 Mediated Design Review Combining Zone |
| Historic Status: | The proposed project would result in the demolition of the building at 3741-47 Broadway, which the Draft EIR assumes to be an historic resource. With concurrence by the LPAB on March 13 th that this building is not an historic resource, this impact will be reclassified to less than significant in the Final EIR. |
| Environmental Determination: | An EIR has been prepared by the City as the Lead Agency. A Notice of Availability/Notice of Public Hearing was distributed to the general public on March 2, 2006. The public comment period on the Draft EIR ended on April 17, 2006. A Final EIR is being prepared. |
| City Council District: | 1 (north of MacArthur) and 3 (south of MacArthur) |
| Staff Recommendation: | Receive public and Commission comments particularly on the topics of the proposed zoning text, the proposed Master Plan document and the EIR's Consolidated Campus Alternative (Alternative #4) |
| For further information: | Contact: Scott Gregory , contract planner to the City at 510-535-6690, or by email at kaiser@lamphier-gregory.com |



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| 6. | Location: | Oakland Army Base |
| | Proposal: | Public Hearing on the Draft Supplemental Environmental Impact Report for an Auto Mall and potentially other commercial uses on a portion of the former Oakland Army Base. The Project sites include the North and East Gateway portions of the former Base. |
| | Applicant: | Oakland Redevelopment Agency |
| | Contact Person/Phone Number: | Elois A. Thornton (510) 238-6284 |
| | Owner: | Oakland Base Reuse Authority |
| | Case File Number: | ER06-0002 |
| | Planning Permits Required: | Amendment to the OARB Reuse Plan, Subdivision Application and/or other land use approvals required for individual auto dealership & retail development applications |
| | General Plan: | Business Mix, General Industrial/Transportation |
| | Zoning: | M-40 Heavy Industrial |
| | Environmental Determination: | An EIR for the OARB Redevelopment Plan was prepared and certified by the City in 2002. A Supplemental Draft EIR has been prepared to address potentially new/increased traffic and air quality impacts, and respond to comments on alternatives, truck parking and land use compatibility issues |
| | Historic Status: | No Historic Resources are located on the Project site but portions of a National Register Eligible Historic District are located in Option B site and are scheduled for demolition |
| | Service Delivery District: | 1 – West Oakland |
| | City Council District: | 3 |
| | Status: | Draft Supplemental Environmental Report was published for a 45-day review period (starting on April 17, 2006 and ending at 4:00 pm on May 31, 2006) |
| | Action to be Taken: | Receive public and Commission comments on the Draft Supplemental Environmental Impact Report |
| | For Further Information: | Contact case planner Elois A. Thornton at (510) 238-6284 or by email at eathornton@oaklandnet.com |



7. **Project Name:** Lake Merritt Channel Wetland and Widening Project

Location: Lake Merritt Channel between Lake Merritt and 7th Street

Assessors Parcel Numbers: 0000-0450-001; 0000-0450-002; 0000-0455-008-05; 0000-0455-0013; 0000-0455-001-01; 0000-0455-001-03; 0000-0455-001-07; 0000-0455-012; 0000-0455-015-02

Proposal: Public Hearing on the Draft Environmental Impact Report for the channel improvements proposed along the Lake Merritt Channel in association with the 12th Street Reconstruction Project, 10th Street Bridge Project, and Lake Merritt Channel Improvement Project at the 7th Street Flood Control Station.

Applicant: City of Oakland

Contact Person/Phone Number: Lesley Estes, City of Oakland Public Works, (510) 238-7431

Owners: City of Oakland

Case File Numbers: [ER050015](#)

Planning Permits Required: Administrative Planning Permits will be processed and noticed separately.

General Plan: Park and Urban Open Space, Central Business District, Institutional, Urban Residential

Zoning: OS (LP), OS (LP)/S-4, OS (RCA)/S-4, S-2/S-4/S-17, S-2/S-4, R-80/S-4

Environmental Determination: A Draft Environmental Impact Report (EIR) was published for a 45-day review period (April 14, 2006 to June 2, 2006).

Historic Status: None; There are historic buildings located within the immediate vicinity.

Service Delivery District: 1, 3

City Council District: 2

Action to be Taken: Public hearing to obtain comments concerning the Draft EIR and proposed project; no decision will be made on the project at this hearing.

For further information: Contact **Markley Bavinger**, Watershed Improvement Specialist, Environmental Services Division, at **(510) 238-6266** or by e-mail at mbavinger@oaklandnet.com.

8. **Location:** Terminus of Tidewater Avenue (APN 034 -2300-013-04; -010-04) (3/22/06)

Proposal: The project consists of construction of two new boathouse structures, a new dock, and associated parking and landscaping.

Applicant: Siegel and Strain Architects

Contact Person/Phone Number: Nancy Malone of Siegel and Strain Architects (510)547-2604

Owner: East Bay Regional Park District

Case File Number: CM06-134/CP06-0078

Planning Permits Required: Major Conditional Use Permit for an extensive impact civic facility located on a property greater than 1 acre in size and a Creek Protection Permit for construction of boat dock facilities in the estuary.

Estuary Plan: Parks

Zoning: M-40 heavy Industrial Zone

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; infill development.

Historic Status: No historic rating, vacant land

Service Delivery District: 5

City Council District: 5

Status: Pending

Action to be Taken: Contained in staff report

Finality of Decision: *Appealable to City Council*

For Further Information: Contact **Robert D. Merkamp** at **(510) 238-6283** or by email: rmerkamp@oaklandnet.com



9. **Location:** 700 Clay Street (APN#001-0203-025-00)
Proposal: New construction of a five-story building, including 24 residential units and three commercial units (potential temporary live/work) over first floor and basement parking totaling 24 spaces.
Applicant: Neil Cotter
Contact Person/Phone Number: Neil Cotter (650)259-9303
Owner: Neil Cotter
Case File Number: DV05-521
Planning Permits Required: Design Review for projects that involve 25,000 square feet of floor area and located in the C-52 zone, minor variances for height and rear yard setback, and design review;
General Plan: Central Business District
Zoning: C-52 – Old Oakland Commercial Zone; S-7 – Preservation Combining Zone; S-17 – Downtown Residential Open Space Combining District
Environmental Determination: Exempt per California Environmental Quality Act Categorical Exemption 15332 - In-fill Development Projects
Historic Status: Vacant Lot in the Victorian Row, City of Oakland Historic District (R76-28 – 04/13/76), District Listed on the National Register of Historic Places
Service Delivery District: Downtown Metro
City Council District: 3
Status: Landmark Preservation Advisory Board Design Review (2-27-06 and 4-17-06) Recommendation of Approval to the Planning Commission
Action to be Taken: Approve Minor Variances and Design Review with Conditions of Approval, based on Findings
Finality of Decision: Appealable to City Council
For Further Information: Contact case planner, Joann Pavlinec at (510) 238-6344 or by email: jpavlinec@oaklandnet.com

10. **Location:** Uptown Park: western portion of block bounded by William Street to the north, Telegraph Avenue to the east, 19th Street to the south, and “New Street” to the west. Portion of nine block site in the Uptown District of the downtown.
Proposal: Consider a revision to the final PUD specifically addressing the proposed design of Uptown Park. Planning Commission approval of the park design is required by the PUD conditions of approval.
Project Sponsor: Forest City Development
Owner(s): Oakland Redevelopment Agency.
Case File Number(s): [REV060019](#) (revision to [PUDF05047](#); also related to [PUD05037](#); [TTM7616](#); [GP05105](#); [RZ05106](#); [CMV05197](#); [ER03-0007](#); [ZP03-0122](#)).
Planning Permits Required: Revision to PUDF05047 for Design Review for the Uptown Park.
General Plan: Central Business District
Zoning: OS-Open Space (Neighborhood Park)
Environmental Determination: The EIR was certified on February 18, 2004 by the Planning Commission.
Historic Status: None.
Service Delivery District: I – Downtown/West Oakland/Harbor
City Council District: 3
Status: Parks and Recreation Advisory Commission reviewed and recommended approval of park design on April 12, 2006
Action to be Taken: Consider approval of park design. Make recommendation regarding proposed public art.
Finality of Decision: Appealable to City Council
For further information: Contact Catherine Payne at 510-238-6168 or by e-mail at lwarnar@oaklandnet.com

11. **Location:** 180-2nd Street, and 189-3rd Street.



Proposal: Residential condominium conversion of 144 units of the recently constructed 310-unit rental project known collectively as “Allegro”.

Project Sponsor: The Hampton Group, Karen Bastings: (925) 831-2107

Owner(s): SSR Western Multifamily, LLC.

Case File Number(s): [TTM8929 \(related to B9900069, B9901546, B9904975\)](#)

Planning Permits Required: Tentative Tract Map to create parcels for condominium ownership units under Oakland Municipal Code Title 16, Subdivisions.

General Plan: Oakland Estuary Policy Plan Mixed Use land use classification

Zoning: C-45 Community Shopping Commercial Zone

Environmental Determination: Exempt, CEQA Guidelines, Section 15301(k). Division of existing multi-family residences into common-interest ownership where no physical changes occur.

Historic Status: Not historic.

Service Delivery District: Metro-Downtown

City Council District: 3-Nadel

Status: Building permits finalized in 2001 and 2002

Action to be Taken: Consider approval of Tentative Tract Map.

Finality of Decision: Appealable to City Council

For further information: Contact **Catherine Payne** at **510-238-6168** or by e-mail at lwerner@oaklandnet.com

12. **Location:** **4849 Grizzly Peak Boulevard (048H-7515-004-04)**

Proposal: To construct an 8,000 square foot academic retreat center.

Applicant: Minerva Foundation

Contact Person/Phone Number: Daniel R. Osborne (415) 474-1274

Owner: Dr. Elwin Marg

Case File Number: [CMD04-481, ER05-002](#)

Planning Permits Required: Major Conditional Use Permit to establish a Community Assembly Civic Activity in the R-30 Zone on a 14-acre parcel, Minor Conditional Use Permit for a Shared Access Facility, and Regular Design Review.

General Plan: Hillside Residential

Zoning: R-30 One Family Residential Zone, S-18 Mediated Design Review Combining Zone, S-11 Site Development and Design Review Combining Zone

Environmental Determination: Mitigated Negative Declaration prepared pursuant to State CEQA Guidelines Section 15070. Public comment period ends May 11, 2006.

Historic Status: No Historic Data or Survey Rating

Service Delivery District: II

City Council District: 2

Status: Pending

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

Finality of Decision: Appealable to City Council

For Further Information: Contact case planner Leigh McCullen at (510) 238-4977 or by email at lmccullen@oaklandnet.com

***ITEM #12 HAS BEEN CONTINUED TO JUNE 7, 2006
PLANNING COMMISSION MEETING**



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

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: June 7, 2006