



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

June 7, 2006
Regular Meeting

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.

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.

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.



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

[Oakland Army Base Informational Report- Follow up to
May 17, 2006 Planning Commission discussion on Auto Mall Draft EIR](#)

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.

(No items on Consent)

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 his/her 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:** **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**

2. **Location:** **Two parcels on the easterly side of Crestmont Dr located just to the north of 538 Crestmont Drive (APN 037A-3148-040-00 & 037A-3148-041-00) (3/31/05)**
 Proposal: Public Hearing on the Draft Environmental Impact Report and project to solicit and provide comments regarding the environmental analysis and proposed residential development. The applicant proposes to subdivide 2 parcels into 4 lots.
 Applicant: Dennis Woodruff
Contact Person/Phone Number: Dennis Woodruff (510)625-9544
 Owner: Andalucia Properties LLC
 Case File Number: **TPM7940/ER05-007**
 Planning Permits Required: A Tentative Parcel Map to create 4 lots
 Estuary Plan: Hillside Residential
 Zoning: R-30 One-Family Residential Zone
Environmental Determination: A Draft Environmental Impact Report was published for a 45-day review period (May 2, 2006 through June 16, 2006).
 Historic Status: No historic rating, vacant land
 Service Delivery District: 4
 City Council District: 4
 Status: Pending
 Action to be Taken: Receive public and Commission comments on the Draft EIR, and the project.

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



- 3.
- 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 lwagner@oaklandnet.com

- 4.
- Project Name:** Kaiser Permanente Oakland Medical Center Master Plan
- 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) and the eastern side of the 3700 block of Broadway (no longer included, right?)
- 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 actions currently required include: Certification of the EIR, General Plan amendment; Redevelopment Plan amendment; rezoning to the new KX Zoning District; adoption of the Master Plan; and termination of the previously approved contract rezoning.
- 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

(continued on page 6)



(continued from page 5)

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 project site contains only one historic resource, the 1912 former Kings' Daughters Home at 3900 Broadway which is now used by Kaiser as their Mental Health facility. This building is not proposed for modification or change under the Master Plan.

Environmental Determination: An EIR has been prepared by the City as the Lead Agency. The 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.

City Council District: 1 (north of MacArthur) and 3 (south of MacArthur)

Staff Recommendation: The Planning Commission certify the EIR and forward its recommendation to the City Council of approval of the project subject to the conditions, requirements, and findings contained in this 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

5.

Location: **Citywide**

Proposal: To Amend the Oakland Planning Code to add an Inclusionary (Affordable) Housing Requirement for specified housing projects and make related amendments.

Applicant: City of Oakland/Housing and Community Development

Case File Number: ZT06-239

Planning Permits Required: Zoning Text Amendment

General Plan: Various General Plan categories

Zoning: Various Zoning Districts

Environmental Determination: Land Use and Transportation Element EIR, Certified March 24, 1998; Estuary Policy Plan EIR, Certified June 8, 1999; Housing Element Mitigated Negative Declaration, June 14, 2004; and Exempt pursuant to Sections 15061(b)(3) and 15183, State CEQA Guidelines;

Service Delivery Districts: All

City Council Districts: 1-7

Status: Planning Commission: June 7, 2006; City Council: June 20, 2006

Action to be taken: Hold Public Hearing and make recommendation to City Council

For Further Information Contact **Jeff Levin** at **(510) 238-6188** or jplevin@oaklandnet.com

[Attachment A](#)
[Attachment B](#)
[Attachment C](#)

6. **Location:** 2130 Mountain Boulevard
APN: 048F-7351-012-05
Proposal: To convert 20 rental units into condominiums.
Applicant: John Gutierrez
Contact Person/Telephone: John Gutierrez, (510) 647-0600
Owner/ Telephone: Michael Panico, (510) 903-8960
Case File Number: TTM7753
Planning Permits Required: Tentative Tract Map to convert 20 existing rental units into condominiums.
General Plan: Neighborhood Center.
Zoning: R-70, High Density Residential Zone.
Environmental Determination: Exempt, Section 15301(k) of the State CEQA Guidelines; Minor Alterations to Existing Facilities and Section 15315 Minor Land Division of Existing Multi-Family Residential Units.
Historic Status: Not a Potential Designated Historic Property, Survey Rating: X.
Service Delivery District: 2
City Council District: 4
Status: Pending.
Action to be Taken: Decision on application based on staff report.
For Further Information: Contact case project planner **Mike Rivera** at **(510) 238-6417** or by email at mriviera@oaklandnet.com

7. **Location:** 2719 Foothill Boulevard (APN 025-0733-004-01)
Proposal: To construct a 65 unit senior housing development
Applicant: Affordable Housing Associates
Contact Person/Phone Number: Teresa Clark (510) 649-8500 x24
Owner: Affordable Housing Associates
Case File Number: CMD06-170
Planning Permits Required: Major Conditional Use Permit for more than 7 units in the R-50 zone, Conditional Use Permit for 100% Density Bonus or 32.5 units, Density Incentives to exceed height limit in R-50 by 7 feet, 7,963 square feet of open space where 10,791 square feet is required, and 16 parking spaces where 17 would be conditionally permitted, and Regular Design Review
General Plan: Urban Residential and Mixed Housing Type Residential
Zoning: C-30 District Thoroughfare Commercial Zone and R-50, Medium Density Residential Zone
Environmental Determination: Exempt, Section 15332, State CEQA Guidelines; Infill development
Historic Status: No Historic Data or Survey Rating
Service Delivery District: IV
City Council District: 5
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

8. **Location:** Lowell Street between 55th and 56th Streets
(APN: 015-1287-009-00)
- Proposal:** New Construction of 5 Residential Units.
- Applicant:** Rick Dumas
- Contact Person/Phone Number:** (510) 538-9991
- Owner:** Jeán Eason
- Case File Number:** CMDV06-098 & DET06-021
- Planning Permits Required:** Design Review for new construction, Major Conditional Use Permit for five dwelling units in the R-40 Zone, Interim Conditional Use permit for Residential Density allowed within the Housing and Business Mix General Plan Area, and Minor Variances to allow reduced setbacks (Front Setbacks: 20'0" required; 0'0" proposed) (Side Setbacks: 5'0" required; 0'0" proposed), parking (8 stalls required; 5 proposed), and height (30'0" permitted; 35'0" proposed).
- General Plan:** Housing and Business Mix
A General Plan Determination has been made by the Director of Planning that the subject parcels best conform to the adjacent Housing and Business Mix General Plan Area rather than the Mixed Housing Type General Plan Area as mapped on the Land Use Diagram.
- Zoning:** R-40/S-18, Garden Apartment Residential Zone/ Mediated Design Review Zone
- Environmental Determination:** Exempt, Section 15303 of the State CEQA Guidelines; new small structures.
- Historic Status:** Vacant Lot
- Service Delivery District:** 2
- City Council District:** 1
- Status:** Pending
- 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.

9. **Location:** **460 Grand Avenue (APNs 010-0779-012-00, 010-0779-014-01, & 010-0779-015-01)**
- Proposal:** Construct a new mixed-use building containing 74 residential units and 4,600 square feet of ground-floor commercial space.
- Applicant:** California Urban Homes, LLC
- Contact Person/Phone Number:** Mike Bowes/(925) 288-0088
- Owner:** 460 Grand – Oakland, LLC
- Case File Number:** **CMDV04-485 & TPM-8925**
- Planning Permits Required:** Regular Design Review to allow construction of a new building; Interim Conditional Use Permit to apply the density regulations of the General Plan; Minor Conditional Use Permit to allow a building height of 70 feet in the R-60 Zone; Minor Variances to allow: 1) No front yard setback (along Bellevue Avenue) where five feet minimum is required; and 2) Interior side yard setback of one foot where four feet minimum is required and where ten feet minimum is required; and Tentative Parcel Map to subdivide the property into condominium units.



(Continued from page 8)

General Plan:	Neighborhood Center Mixed Use (southern portion of site along Grand Avenue and Bellevue Avenue) and Urban Residential (northeastern portion of site along Euclid Avenue)
Zoning:	C-30 District Thoroughfare Commercial Zone/S-4 Design Review Combining Zone/S-12 Residential Parking Combining Zone (southern portion of site along Grand Avenue and Bellevue Avenue); R-60 Medium-High Density Residential Zone/S-12 Residential Parking Combining Zone (northeastern portion of site along Euclid Avenue)
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects
Historic Status:	The site is currently vacant. A portion of the site is occupied by a parking lot.
Service Delivery District:	3
City Council District:	3
Status:	Pending. The project was previously reviewed by the Design Review Committee on February 22, 2006.
Action to be Taken:	Take public testimony and issue decision on application.
Finality of Decision:	Appealable to City Council
For Further Information:	Contact the case planner, Darin Ranelletti , at (510) 238-3663 or by e-mail at dranelletti@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.



10.	Location:	6137 La Salle Avenue (APN: 048F-7358-007-01)
	Proposal:	Appeal of an Administrative decision to deny a Minor Conditional Use Permit for expansion of a Financial and Consultative use (Real Estate Office) at the ground floor.
	Applicant/ Appellant:	Daniel Myers
	Contact Person/Phone Number:	(510) 834-6600
	Owner:	Francis Torrano
	Case File Number:	A06-195 (CU05-623)
	Planning Permits Required:	Minor Conditional Use permit for expansion of a Financial and Consultative Use (Real Estate Office) at the ground floor within the C-27 Zone.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	C-27, Village Commercial Zone
	Environmental Determination:	Exempt, Section 15270 of the State CEQA Guidelines; projects that are disapproved, and Section 15301, existing facilities
	Historic Status:	Not a Potentially Designated Historic Property; rating: X
	Service Delivery District:	2
	City Council District:	4
	Status:	The application was denied by the Zoning Administrator on April 7, 2006. The approval was subsequently appealed by the appellant on April 17, 2006.
	Action to be Taken:	Decision on appeal based on Staff Report and Public Testimony
	Finality of Decision:	Final Decision
	For Further Information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollman@oaklandnet.com .

COMMISSION BUSINESS

Approval of Minutes: April 5, 2006; April 19, 2006; May 3, 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: June 21, 2006