



Oakland City Planning Commission

REVISED* AGENDA

*Doug Boxer, Chair
Michael Colbruno, Vice Chair
Sandra E. Gálvez
C. Blake Huntsman
Suzie W. Lee
Anne Mudge
Madeleine Zayas-Mart*

January 16, 2008
Regular Meeting

REVISED 1-8-08* (See end of Agenda)

MEAL GATHERING **5:30P.M.**

Hearing Room 4, City Hall, 1 Frank Ogawa Plaza, Oakland.

Open to the public. (Members of the public may bring 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 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. 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.

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 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 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.



PLEASE NOTE: ITEMS #1 and #2, BELOW, HAVE BEEN REMOVED FROM THIS AGENDA.

1.	Location:	1100 Broadway (APN: 002-0051-006-02)
	Proposal:	Construction of a 20-story commercial office building that would connect to the historic Key System Building. The proposal would also include the rehabilitation of the Key System Building. The total project contains 310,285 sq. ft. of office and 9,810 sq. ft. of retail.
	Applicant:	SKS Broadway, LLC
	Contact Person/Phone Number:	Daniel Kingsley / (415)421-8200
	Owner:	SKS Broadway, LLC
	Case File Number:	CMD07-390/ER07-0015
	Planning Permits Required:	Major Conditional Use Permit for a Large Scale Development (100,000 square feet of new floor area, or a new building more than one hundred twenty 120' in height); Minor Conditional Use Permit for loading at the ground floor in the S-8 Zone; and Design Review.
	General Plan:	Central Business District
	Zoning:	C-55 Central Core Commercial Zone S-8 Urban Street Combining Zone S-17 Downtown Residential Open Space Combining Zone
	Environmental Determination:	An Addendum has been prepared to a previously certified EIR
	Historic Status:	The existing building, located on the southern portion of the site, is known as the Key System Building, and formerly the Security Bank and Trust Building. This building is a City Landmark and is rated A1+, of the "highest importance" by the Oakland Cultural Heritage Survey. Furthermore, the building is also registered on the National List of Historic Places. The building is an anchor and primary contributor to the Downtown Oakland Historic District, an Area of Primary Importance (API).
	Service Delivery District:	Downtown Metro
	City Council District:	2
	Status:	Staff Report (findings contained)
	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 Heather Klein at 510-238-3659 or by e-mail at hklein@oaklandnet.com .



2.	Location:	5175 Broadway (APN: 014-1241-005-01)
	Proposal:	Demolish vacant service station facility and construct a new 28 unit, four story residential condominium above 2,995 square feet of commercial space.
	Applicant:	Gary Feiner
	Contact Person/Phone Number:	(510) 549-1719
	Owner:	Gary Feiner
	Case File Number:	CDV06-463, TPM-9725 & ER07-0004
	Planning Permits Required:	Interim Conditional Use Permit for allowed intensity under the Community Commercial General Plan Area, Minor Variance to the rear yard setback, which would allow Broadway to be treated as the project frontage (required 10'0", proposed 0'0"), and Regular Design Review for new construction.
	General Plan:	Community Commercial
	Zoning:	C-30, District Thoroughfare Commercial Zone
	Environmental Determination:	An Initial Study was prepared and the Notice of Intent to Adopt a Negative Declaration was noticed for comment on December 10, 2007. The comment period expires January 9, 2008.
	Historic Status:	Not a Potentially Designated Historic Property; survey rating: x
	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.



3. **Location:** **412 Monte Vista Avenue (APN: 012-0927-001-02)**
 Proposal: The proposed project would involve the on-site relocation and adaptive reuse of an existing three story over basement, Greek revival –style residence that was built in 1908 as a single family residence. This structure, which is centrally located on the 16,861 square foot lot, would be moved to the site’s southwestern corner and a new, seven story residential building would be constructed along the southern and northeastern boundaries of the site. The relocated building would then be divided and rehabilitated to create eight residential units, while the new building would provide a total of 32 residential units, for an overall total of 40 units.
- Applicant:** Piedmont Place LLC
 Contact Person/Phone Number: Kirk Peterson, Architect (510) 547-0257
 Owner: Plymouth Church
 Case File Number: **ER07-0004; DR07-279**
 General Plan: Urban Residential
 Zoning: R-70, High Density Residential Zone
- Environmental Determination:** Staff has determined that an Environmental Impact Report (EIR) must be prepared for this project. An Initial Study (IS) that identifies the areas of probable environmental impacts and a Notice of Preparation of a Draft Environmental Impact Report (DEIR) has been prepared. The Initial Study (IS) has identified Cultural Resources and Traffic as areas of probable environmental impact that shall be studied in the Draft Environmental Impact Report (DEIR) to be prepared, and that all other impacts would be reduced to less than significant levels. A Notice of Preparation (NOP) to prepare the EIR was published on December 31, 2007. The comment period for the NOP ends on January 30, 2008.
- Historic Status:** Potentially Designated Historic Property (PDHP); Rating: B3(B - Major Importance; 3-Not in a historic district)
- Service Delivery District:** 2
City Council District: 1
Action to be Taken: Receive public and Commission comments about what information and analysis should be included in the EIR (Scoping Session).
- For Further Information:** Contact case planner **Peterson Z. Vollmann** at **(510) 238-6167** or by email: pvollman@oaklandnet.com.



4.	<p>Location: Areas in the City with Business Mix and General Industrial General Plan Land Use Classifications</p>
	<p>Proposal: Consider proposed Revisions to Oakland Planning Code to:</p> <ol style="list-style-type: none"> (1) Add Chapter 17.73 “CIX-1, CIX-2, IG and IO Industrial Zones”, which is intended to replace Chapters 17.66 “M-10 Special Industrial Zone Regulations”, 17.68 “M-20 Light Industrial Zone Regulations”, 17.70 “M-30 General Industrial Zone Regulations”, 17.72 “Heavy Industrial Zone Regulations” and 17.98 “S-16 Industrial-Residential Transition Combining Zone Regulations”; (2) Amend the City’s Zoning Maps to map these proposed zones in areas in the city that currently have the General Plan Land Use Classifications of Business Mix and General Industrial/Transportation; areas with the General Plan land use classifications described above are generally located in parts of West Oakland and Central and East Oakland, generally south of International Boulevard; (3) Amend Chapter 17.10 “Use Classifications” to include more detailed examples and be more reflective of prevailing types of non-residential uses; (4) Add Chapter 17.21 “Health and Safety Overlay Zone which, if applied, would enforce the Fire Department’s existing mandate to review activities that involve the use or storage of hazardous materials or waste within 300-feet of any residential zone; (5) Amend Chapter 17.120 “General Performance Standards” to be more specific about where a stated standard should be measured; and, (6) Consider a Proposal for Regulations Regarding Work/Live in the Industrially-Zoned Areas
	<p>Applicant: Planning Commission</p>
	<p>Case File Number: ZT07398</p>
	<p>Planning Permits Required: Zoning Text Amendments, Zoning Map Amendments.</p>
	<p>General Plan: Business Mix and General Industrial General Plan Land Use Classifications</p>
	<p>Zoning: Primarily focused on, but not limited to the industrial zones: M-10 Special Industrial Zone, M-20 Light Industrial Zone, M-30 General Industrial Zone, M-40 Heavy Industrial Zone, and S-16 Industrial-Residential Transition Combining Zone.</p>
	<p>Environmental Determination: This proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the EIRs for the West Oakland, Central City East, Coliseum and Oakland Army Base Redevelopment Areas; the proposal would also be exempt under CEQA Guidelines section 15061(b)(3): no possibility that the activity in question may have a significant effect on the environment.</p>

(continued on page 8)



(continued from page 9)

Service Delivery District: Metro, 1, 3, 4, 5 and 6
City Council district 2, 3, 5 6 and 7
Date Filed: 9/13/07
Status Heard by Zoning Update Committee on 9/10/07 and 10/17/07. Heard by full Planning Commission on 12/5/07. Recommended by full Planning Commission to be brought back for consideration at 1/16/08 Planning Commission meeting.
Staff Recommendation Recommendation to City Council.
For further information: Contact **Margot Lederer Prado**, Business Development at (510) 238-6766 or by email at mprado@oaklandnet.com or **Alisa Shen**, Strategic Planning at (510) 238-2166 or by email at ashen@oaklandnet.com.

PLEASE NOTE: AGENDA ITEMS #5 AND #6, BELOW, WILL NOT BE HEARD BEFORE 8:00 P.M.

5. Location: 1025 W. MacArthur Boulevard (APN: 012-0951-011-00 & 049-0951-005-01)
Proposal: To construct a new 5-story mixed-use building containing 94 total units - a 5,650 square-foot ground floor retail space and 175 parking spaces on a 1.13 acre (49,021 square-foot) site. The subject site straddles the City of Oakland and the City of Emeryville boundary line and will require the demolition of existing structures. **The portion of the site located in Oakland is 19,567 square feet and entails 19 residential condominium units and 10 Work/Live units for a total of 40,678 square-feet of floor area.**
Applicant: Natoma Architects – Markus Bischoff (415)626-8977
Owner: Mark Migdal & Marsha Levinson
Case File Number: **VMD07-071**
Planning Permits Required: Minor Variance for height (50 feet where 45 feet is a maximum); Major Design Review for a new mixed use building.
General Plan: Housing and Business Mix
Zoning: HBX Housing and Business Mix Commercial Zone
Environmental Determination: A Mitigated Negative Declaration (MND) has been prepared under the supervision of the Lead Agency (Emeryville).
Historic Status: Not a Potential Historic Property (PDHP); survey rating: N/A
Service Delivery District: 2
City Council District: 1
Status: The portion of this project within Emeryville was approved by the Lead Agency (Emeryville) at the 10/25/07 Emeryville Planning Commission meeting.
Action to be Taken: Public Hearing and decision
Staff Recommendation: Approve Project based on staff report
Finality of Decision: Appealable to City Council
For further information: Contact case planner **Maurice Brenyah-Addow & David Valeska** at (510) 238-2075 or mbrenyah@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.

6.	Location:	5666 Telegraph Avenue
	Assessors Parcel Numbers:	(APN 014-1276-035-00)
	Proposal:	Appeal of proposal to construct a new 15-unit residential building
	Appellant:	Dahn Van Laarz et al.
	Owner, Applicant:	Thomas S. Anthony (owner), Kahn Design Associates (applicant)
	Case File Number:	CDV07-225
	Planning Permits Required:	Appeal of the Zoning Administrator approval of Regular Design Review to construct a new 15-unit residential building; Minor Conditional Use Permit to allow a new driveway in the C-28 zone; and Minor Variance to allow a 58’ 7” height within the C-28 zone where 40 feet maximum is allowed, and to allow a 48’ 1” height within the R-40 zone where 30 feet maximum is allowed
	General Plan:	Urban Residential and Mixed Housing Type Residential
	Zoning:	C-28 Commercial Shopping District Zone, R-40 Garden Apartment Residential Zone
	Environmental Determination:	Exempt, Section 15332 of State CEQA Guidelines; infill development; and Section 15183, Projects consistent with a community plan, general plan or zoning
	Historic Status:	Not a Potentially Designated Historic Building (PDHP)
	Service Delivery District:	2
	City Council District:	1
	Date Filed:	May 23, 2007; appeal filed October 25, 2007
	Support/Opposition:	<u>Support:</u> Owner and applicant/architect <u>Opposition:</u> Dahn Van Laarz, Lea Queen, James Taylor, Michael Trempert, Lance Shows, Yuri Mazur, John Wagers, Bonney Smith, Ray Canepa (Fairfield CA), Celia Ihne, Leroy Zampa, Myra Dillon, Robert Martine, Rachel Sierra, David Penny, Michael Carothers, Anne Hutton
	Action to be Taken:	Decision on Appeal of Conditional Use Permit, Minor Variance and Design Review applications.
	Staff Recommendation:	Deny appeal, confirm staff decision
	Finality of Decision:	Final Decision
	For Further Information:	Contact case planner, Maurice Brenyah-Addow & David Valeska at (510) 238-2075.



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: None

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: February 6, 2008**

* Revised 1-8-08 to indicate Items #1 and #2 being removed from this agenda;

**Pending Commission direction on January 9, 2008, the February 6, 2008 may be rescheduled to February 13, 2008.