



## Oakland City Planning Commission

## AGENDA

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

**August 16, 2006**  
**Regular Meeting**

### **MEAL GATHERING**

**5:30 P.M.**

**City Hall, Hearing Room 3, Oakland.** Open to the public.  
(Members of the public must bring their own sandwich if desired.  
Consumption of food 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.

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***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 3<sup>rd</sup> 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](http://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**  
Valdez.

Discussion of a proposed density transfer from 306 24th Street to 2412-2424

**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:** 5733 San Leandro Street (APN: 041-3848-013-03)

**Proposal:** To legalize 20 existing joint living and working quarters (JLWQ) within an existing warehouse. Resubmittal of previously approved project CM02-574, which was approved on July 16, 2003 but expired because the permit was never completed.

**Applicant:** Saul Pichardo

**Contact Person/Phone Number:** Saul Pichardo  
(510) 385-6820

**Owner:** The Hothem Non Exempt Trust

**Case File Number:** CM06-181

**Planning Permits Required:** Major Conditional Use Permit to create more than 25,000 square feet of new joint living and working quarters in a zone that does not permit residential activities.

**General Plan:** General Industrial and Transportation

**Zoning:** M-40, Heavy Industrial Zone

**Environmental Determination:** Exempt, Section 15332, State CEQA Guidelines, Infill Development.

**Historic Status:** Potential Designated Historic Property (PDHP); survey rating: C2+

**Service Delivery District:** 5

**City Council District:** 6

**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 **Laura Kaminski** at **(510) 238-6809** or by email: [lkaminski@oaklandnet.com](mailto:lkaminski@oaklandnet.com)

**2.**

**Location:** 1100 Broadway  
(APN: 002 -0051-006-02)

**Proposal:** Rehabilitation of the historic Key System Building and construction of a 12-story commercial office building addition. The total project would include 188,749 sq. ft. of office and 10,967 sq. ft. of retail.

**Applicant:** Swinerton Builders & Eastmont Properties

**Contact Person/Phone Number:** Jack Herbert / (415) 720-0991 & Robert Bridwell / (510) 632-1131

**Owner:** East End Oakland I, LLC

**Case File Number:** CMD06-083

**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 120ø in height); Minor Conditional Use Permit for loading and General Food Sales activities 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:** Addendum has been prepared to previously certified EIR

**Historic Status:** The existing building, located on the southern portion of the site, is known as the Key Systems 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 also 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](mailto:hklein@oaklandnet.com).



3.                   **Location:**    **721-741 Broadway; APN# 001-0201-015-00 (See map on reverse)**  
                      **Proposal:**    New construction of a five-story mixed-use building, including 48 residential units and first floor commercial units, podium and roof open space, and first floor parking (lift parking - 45 spaces) totaling 47 spaces.  
  
                      **Applicant:**    Solomon-E.T.C.  
**Contact Person/Phone Number:** Alex Salazar (415)575-4722  
                      **Owner:**     AFE Broadway-8, LLC  
                      **Case File Number:**   **DV06-345**  
                      **Planning Permits Required:** Major Design Review by the Planning Commission per Zoning code Section 17.136.060 (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.  
  
                      **General Plan:**    Central Business District  
                      **Zoning:**     C-52 ó Old Oakland Commercial Zone; S-7 ó Preservation Combining Zone; S-8 ó Urban Street Combining Zone; S-17 ó Downtown Residential Open Space Combining Zone.  
  
                      **Environmental Determination:** Exempt per California Environmental Quality Act Categorical Exemption 15332 ó In-fill Development Projects;  
                      **Historic Status:**   Vacant Lot in the Victorian Row, City of Oakland Historic District (R76-28 ó 4/13/76)  
                      **Service Delivery District:** Downtown Metro  
                      **City Council District:** 1 ó Nancy Nadel  
                      **Status:**     Reviewed by Landmarks Preservation Advisory Board 6-12-06 - unanimous recommendation to the Planning Commission for design review approval, with conditions.  
  
                      **Action to be Taken:**   Consideration of design review, minor variances and environmental determination for Infill Exemption for project approval.  
  
                      **Finality of Decision:**   Appealable to City Council  
                      **For Further Information:**   Contact **Joann Pavlinec (510) 238-6344, jpavlinec@oaklandnet.com**
4.                   **Location:**    **3422 Hollis St. (APNs: 007-0611-017-00, 007-0611-018-00, 007-0611-019-00, and 007-0611-025-00)**  
                      **Proposal:**    To construct an approximately 105,100 square foot building containing 99,625 square feet of self storage, 4,125 of retail space, and a 1,350 square foot residence for the caretaker of the facility.  
  
                      **Applicant:**    Extra Space Storage  
**Contact Person/Phone Number:** Nancy Bane, (949) 228-1130  
                      **Owner:**     Thomas and Joan Eychner  
                      **Case File Number:**   **CM06119**  
                      **Planning Permits Required:** Major Conditional Use Permit. The Conditional Use Permit application was voluntarily submitted by applicant. Section 17.134.020 states that Conditional Use Permits are major for nonresidential projects that involve twenty-five thousand (25,000) square feet or more of floor area.  
  
                      **General Plan:**    Housing and Business Mix.  
                      **Zoning:**     M-30, General Industrial Zone.  
                      **Historic Status:**   Not a Potentially Designated Historic Property.  
                      **Service Delivery District:** 1  
                      **City Council District:** 3  
                      **Status:**     Pending  
                      **Action to be Taken:**   Decision on application based on staff report and public testimony  
                      **Finality of Decision:**   Appealable to City Council  
                      **For Further Information:**   Contact case planner Neil Gray at **(510)238-3878** or by email: **ngray@oaklandnet.com**



<b>5.</b>	<b>Location:</b>	<b>Citywide</b>
	<b>Proposal:</b>	To amend the document "Guidelines for Determining Project Conformity with the General Plan and Zoning Regulations" to state that a conditional use permit is required for a self-storage activity in the Housing and Business Mix General Plan designation when this activity is permitted by the zoning of a site.
	<b>Applicant:</b>	City Planning Commission
	<b>Contact Person/Phone Number:</b>	Neil Gray at <b>(510) 238-3878</b> or by email: <a href="mailto:ngray@oaklandnet.com">ngray@oaklandnet.com</a>
	<b>General Plan:</b>	Housing and Business Mix
	<b>Zoning:</b>	Various
	<b>Environmental Determination:</b>	Exempt, Section 15061b3 of the State CEQA Guidelines; no possibility that the activity in question may have a significant effect on the environment.
	<b>Historic Status:</b>	Not applicable
	<b>Service Delivery District:</b>	1-6
	<b>City Council District:</b>	1-3, 5-7
	<b>Status:</b>	Not applicable
	<b>Action to be Taken:</b>	Pending
	<b>Finality of Decision:</b>	Decision is final
	<b>Further Information:</b>	Contact case planner Neil Gray at <b>(510) 238-3878</b> or by email: <a href="mailto:ngray@oaklandnet.com">ngray@oaklandnet.com</a>

<b>6.</b>	<b>Location:</b>	<b>Citywide</b>
	<b>Proposal:</b>	Consideration of revisions to the City of Oakland Zoning Regulations (Title 17 of the Oakland Municipal Code) regarding the regulation of telecommunication facilities as directed by the Oakland City Council.
	<b>Case No:</b>	<b>ZT06-399    Attachment A    Attachment B</b>
	<b>Applicant:</b>	City of Oakland
	<b>Environmental Determination:</b>	Exempt; Section 15061(b)(3), State CEQA Guidelines, "general rule," no possibility of significant effect on the environment; Section 15307 Protection of Natural resources; Section 15308 Protection of the Environment; Section 15183 Projects Consistent with a General Plan.
	<b>Action to be Taken:</b>	Provide recommendation to City Council on proposals for revised telecom regulations.
	<b>Staff recommendation:</b>	That the City Planning Commission recommend that the City Council accept the conceptual proposals.
	<b>For further information:</b>	Contact case planner <b>Eric Angstadt</b> at <b>510-238-6190</b> or by email at <a href="mailto:angstadt@oaklandnet.com">angstadt@oaklandnet.com</a> .

## ***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:** June 21, July 5, July 12, 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:*** September 6, 2006