



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

June 18, 2008
Regular Meeting

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.

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

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.



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

Commission Election of Officers

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.

1.	<p>Location: 1242 – 35th Avenue (APN 033-2197-015-03)</p> <p>Proposal: Request for extension of planning approvals previously granted for proposal to construct a new mixed-use building containing 30 residential dwelling units and approximately 6,700 sq. ft. of commercial space.</p> <p>Applicant/Owner: Nicolaos Theophanous</p> <p>Contact Person/Phone Number: Nicolaos Theophanous / (925) 284-2822</p> <p>Case File Number: CMDV03-035</p> <p>Planning Permits Previously Granted: Regular Design Review for new construction; Minor Conditional Use Permit to allow a parking bonus for mixed-use developments; Minor Variance to allow 15 off-street parking spaces where 25 are required</p> <p>General Plan: Neighborhood Center Mixed Use</p> <p>Zoning: C-28 Commercial Shopping District Zone; S-15 Transit-Oriented Development Zone</p> <p>Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines (Class 32, In-Fill Development Projects)</p> <p>Historic Status: No historic record (vacant lot)</p> <p>Service Delivery District: 4</p> <p>City Council District: 5</p> <p>Status: The project was previously approved by the Planning Commission on May 7, 2003.</p> <p>Action to be Taken: Decision based on staff report</p> <p>Finality of Decision: Appealable to City Council</p> <p>For Further Information: Contact case planner Darin Ranelletti at (510) 238-3663 or by email at dranelletti@oaklandnet.com.</p>
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2.	<p>Location: Siena Hill (off of Keller Avenue, between Greenridge Drive and Rilea Way) APN: 040A-3457-033-01</p> <p>Proposal: The applicant is requesting an additional two year extension from the City Planning Commission for:</p> <p style="padding-left: 40px;">a) an extension of the entitlement for the Preliminary Planned Unit Development (PUD) Permit (Case File PUD02-217) to allow construction of 32 attached single-family dwellings on 32 lots, 103 off-street parking spaces, and a private road; and</p> <p style="padding-left: 40px;">b) an extension of the expiration requirements for the submittal and approval of a Final Planned Unit Development (FPUD) Permit for the second and third phases of the development of the remaining 22 homes.</p> <p>Applicant /Phone Number: Edward Patmont / (925) 946-0583</p> <p>Owner: Hillside Homes Group Inc.</p> <p>Case File Number: PUD02-217, PUDF05-081</p> <p>Planning Permits Required: Extension of the entitlements for the PUD (Case File PUD02-217).</p> <p style="padding-left: 40px;">Extension of the expiration requirements for the submittal and approval of a FPUD for the second and third phases.</p> <p style="padding-left: 40px;"><i>Per Condition of Approval #2a for Case File PUD02-217, the Zoning Administrator may grant a one-year extension, with additional extensions subject to approval by the City Planning Commission.</i></p> <p style="padding-left: 40px;"><i>Per Condition of Approval #2b, the applicant had two years from the approval date of the PUD to apply for the FPUD for the second phase of the development. Furthermore, the applicant has two years from the issuance of a certificate of occupancy for the second phase to obtain the FPUD approval for the third phase. Upon written request the Zoning Administrator may grant a one year extension of the deadline with additional extensions subject to approval by the City Planning Commission.</i></p> <p style="padding-left: 40px;"><i>Staff granted a one year extension on May 2, 2007.</i></p> <p>General Plan: Detached Unit Residential</p> <p>Zoning: R-50 Medium Density Residential</p> <p>Environmental Determination: A Final Environmental Impact Report was certified on March 2, 2005. Staff has determined that the no new no substantial changes have occurred and no new impacts that were identified for the project (Case File PUD02-217).</p> <p>Historic Status: Non-historic property (NHP); survey rating N/A</p> <p>Service Delivery District: IV-Fruitvale</p> <p>City Council District: 6</p> <p>Action to be Taken: Decision based on staff report</p> <p>Finality of Decision: Appealable to City Council within 10 days</p> <p>For Further Information: Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com.</p>
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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.



3. **Location:** **300 Lakeside Drive (Kaiser Center)**
 Block bounded by 20th Street, Webster Street, 21st Street, and Harrison Street. APN: 008-0652-001-05
- Proposal:** **Scoping Session** for an Environmental Impact Report to receive comments regarding potential impacts related to the redevelopment of a portion of the Kaiser Center site. The Project would add approximately 1,474,992 square feet of net new development. The Project includes (1) demolition of 280,002 square feet of existing retail/commercial development along 20th and Webster Streets, (2) construction of one 34 story office tower (436 ft.) at the corner of 20th /Webster Streets, (3) construction of one 42 story office tower (566 ft.) at the corner of Webster/21st Street, (4) construction of 22,500 square feet of ground floor retail, and (5) addition of 828 parking spaces. The 122,606 s.f. rooftop garden will be reconfigured by removing approx. 18,369 s.f. in the Webster/21st Street corner and adding 22,933 s.f. along 20th Street.
- Applicant:** The Swig Company, LLC
- Contact Person/Phone Number:** Tomás Schoenberg, (415) 291-1100
- Owner:** SIC-Lakeside Drive, LLC
- Case File Number:** **ER 08-003, PUD 08-103**
- Planning Permits Required:** Vesting Tentative Parcel Map, Planned Development Permit, Preliminary Development Plan
- General Plan:** Central Business District
- Zoning:** C-55, Central Core Commercial; S-4, Design Review Combining Zone; S-17 Downtown Residential Open Space
- Environmental Determination:** An environmental review application was submitted on 3/25/08. A determination has been made that an EIR will be prepared that covers all environmental topic areas.
- Historic Status:** Kaiser Center Building & Rooftop Garden is a CEQA Historic Resource (Oakland Cultural Heritage Survey Rating A1+; listed on the Local Register of Historical Resources; appears eligible for the National Register individually and as part of the Lake Merritt District (code 3B))
- Service Delivery District:** 1 – Downtown/West Oakland/Harbor
- City Council District:** 3
- Status:** **The Notice of Preparation** was published and distributed on May 22, 2008 with comments due on June 23, 2008
- Action to be Taken:** Receive public and Planning Commission comments about what information and analysis should be included in the Environmental Impact Report
- For Further Information:** Contact project planner **Margaret Stanzione** at (510) 238-4932 or by email mstanzione@oaklandnet.com



4. **Location:** **Wattling Street (APN: 033-2169-016-01; 033-2169-016-02; and 033-2170-003-00)**

Proposal: Construction of a new phased multifamily residential development consisting of 18 condominium units and 61 attached single-family homes. The proposed project also includes construction of a triple-sided static billboard. The billboard will be between 75’-85’ tall with 2,016 sq. ft. of signage above a 2,404 sq. ft. garden.

Applicant/Phone Number: Toby Levy c/o Levy Design Partners, Inc / (415) 777-0561

Owner: Oak Partners LLC c/o Philip Lesser

Case File Number: **PUD06-606; PUDF08-166; TPM9439**

Planning Permits Required: Preliminary Planned Unit Development for a phased project; Final Planned Unit Development Permit for all three phases; Major Design Review for the construction of a new principal facility over 25,000 sq. ft. of new floor area; Design Review for an Advertising Sign; Minor Variances for courtyard dimensions and residential loading; Vesting Tentative Parcel Map for condominium purposes.

A Franchise Agreement or Relocation Agreement for the Advertising Sign will be required with approval by City Council.

General Plan: Housing and Business Mix

Zoning: HBX-2 Housing and Business Mix 2 Zone

Environmental Determination: Projects consistent with a community plan, general plan or zoning; CEQA Guidelines Section 15183

 Infill Exemption; CEQA Guidelines Section 15332

Historic Status: The project site is vacant.

Service Delivery District: 4

City Council District: 5

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**.

5. **Location:** **1032-39th Street (APNs: 012-953-027, 012-953-031, 012-953-032, 012-953-033, and 012-953-034)**

Proposal: Redevelopment of 1.12-acre site with up to 101 residential units, 1,000 square feet of retail and associated parking and open space; project would involve demolition of existing historic building; project site is located in both Emeryville and Oakland.

Project Sponsor: Murakami/Nelson Architecture Corporation

Owner: Madison Park, Financial Corporation

Case File Numbers: **ER070014**

Planning Permits Required: Design Review, Conditional Use Permit and variances.

General Plan: Housing and Business Mix

Zoning: HBX-2

Environmental Determination: EIR

Historic Status: C3

Service Delivery District: 2

City Council District: 2 - Brunner

Action to be taken: Hold public hearing and receive public testimony on Draft EIR.

For further information: Contact case planner **Catherine Payne** at **(510) 238-6168** or **cpayne@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.

(There are no Appeals on this Agenda)

COMMISSION BUSINESS

Approval of Minutes: June 4, 2008

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: July 2, 2008

* Commission Lee's term as Commissioner has expired and she will be replaced upon the swearing in of a Successor Commissioner, currently anticipated to occur in the latter part of June.