



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

September 6, 2006
Regular Meeting

MEAL GATHERING

5:30 P.M.

250 Frank Ogawa Plaza, 3rd floor, Sunnyside Conference

Room, 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.


Council Chambers, 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 Reports

- A. [Affordable Housing](#)**
- B. [Oakland Chinatown Advisory Committee Update](#)**
- C. [Historic Mitigation Measures-300 Harrison St.](#)
[426 \(428\) Alice Street](#)**
- D. [Industrial Land Use Policy Update](#) [Attachment 1](#) [Attachment 2](#)**

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: **Oakland Army Base – Gateway Area**

Proposal: Discussion on the Land Use, Redevelopment, and Planning Issues for the Gateway Development Area within the Oakland Army Base.



Applicant:	City of Oakland/CEDA/Redevelopment
Planning Permits Required:	Pending – See Environmental Determination
General Plan:	General Industrial/Transportation and Business Mix
Zoning:	M-40
Environmental Determination:	Draft Environmental Impact Report for a portion of the Gateway Area was reviewed by Planning Commission on May 17, 2006. Final Environmental Impact Report for that portion to be completed and submitted for certification on September 20, 2006;
Service Delivery District:	1
City Council District:	3
Action to be taken:	Hold Public Hearing and discuss plans for Gateway Development Site within the Oakland Army Base.
For Further Information	Contact Alex Greenwood at (510) 238-6124 or agreenwood@oaklandnet.com

2.	Location: 8715 E Street (APN 042 -4284-003-00)
	Proposal: Proposal to construct a two units on a lot containing one residential unit for a total of three.
	Applicant: Chuck Fields
Contact Person/Phone Number:	(510)381-7544
	Owner: Tommy Marshall
	Case File Number: CMD06-275
Planning Permits Required:	Interim Major Conditional Use Permit to allow 3 units in the R-30 Zone and Regular Design Review for new residential construction.
	General Plan: Housing and Business Mix
	Zoning: R-30 One Family Residential Zone
Environmental Determination:	Exempt, Section 15332 of the State CEQA Guidelines; infill development projects.
	Historic Status: Not a potential Designated Historic Property, Survey Rating: F3
Service Delivery District:	6
City Council District:	7
	Status: Pending
Action to be Taken:	Approve the project as per the conditions of approval
Finality of Decision:	<i>Appealable to City Council</i>
For Further Information:	Contact case planner Robert D. Merkamp at (510) 238-6283 or by email: rmerkamp@oaklandnet.com



3.

Location: 5270 Locksley Avenue (APN: 014-1231-032-00)

Proposal: Raise the existing single-family dwelling by approximately five feet in order to accommodate a second unit within the ground floor.

Applicant: Kurt Worthington

Contact Person/Phone Number: (510) 593-8950

Owner: Helen Lopes

Case File Number: [CMDV04-537](#)

Planning Permits Required: Major Conditional Use Permit for a second dwelling unit in the R-35 Zone, minor variance for reduced parking (3 required; 2 proposed – 3 including tandem spaces) and reduced front (20'0" required; 11'8" proposed) and side yard (5'0" required; 4'6" proposed) setbacks to raise the building within the existing non-conforming setbacks, and Regular Design Review.

General Plan: Mixed Housing Type Residential

Zoning: R-35, Special One Family Residential Zone
S-18, Mediated Design Review Zone

Environmental Determination: Exempt, Section 15303 of the State CEQA Guidelines; small structures.

Historic Status: Not a Potentially Designated Historic Property; 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. Vollman** at (510) 238-6167 or by email: pvollman@oaklandnet.com.

4.

Location: 880 W. MacArthur Blvd. (APN: 012-0959-021-01)

Proposal: New construction of a five story 39 unit residential condominium building.

Applicant: Toby Levy

Contact Person/Phone Number: (415) 777-0561

Owner: Stephen O'Kane

Case File Number: [CMDV06-178 & TPM-9239](#)

Planning Permits Required: Major Design Review for new construction of a building exceeding 25,000 square feet, Interim Conditional Use Permit for Residential Density allowed within the Urban Residential General Plan Area, and minor variance to allow a reduced rear yard setback for projection of an access facility (6'0" required; 0'0" proposed) and minor variance to allow a building height of 50'0" at the rear setback line where 40'0" is allowed. Vesting Tentative Parcel Map for Condominiums.

General Plan: Urban Residential

Zoning: C-30, District Thoroughfare Commercial
C-25, Office Commercial Zone

Environmental Determination: Exempt, Section 15332 of the State CEQA Guidelines; in-fill development projects.

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.



5. **Project Name:** **Kaiser Permanente, Broadway Medical Office Building and Parking Garage**
- Location:** Generally the western side of the 3700 block of Broadway between West MacArthur Boulevard and 38th Street, plus two extensions of these properties through the mid-block to Manila Avenue
- Proposal:** Kaiser Permanente has requested **Design Review** approval for their Phase I Medical Office Building and parking garage, as well as concurrent approval of a **Creek Protection Permit**.
- Prior planning approvals for this project include a General Plan Amendment and Redevelopment Plan Amendment approved on June 27, 2006; and Rezoning and Master Plan approval on July 18, 2006.
- Applicant:** Kaiser Permanente, Kaiser Foundation Health Plan
Michael Lane, Project Director, Kaiser Permanente (510) 987-2373
- Owner:** Kaiser Permanente, plus 1 additional property on Broadway yet to be acquired by Kaiser
- Case File Number:** CMD06284 / CP06105
- General Plan:** Institutional
- Zoning:** KX (Kaiser Permanente Zone)
- Historic Status:** No historic structures
- Environmental Determination:** A 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. The EIR was certified by the Oakland Planning Commission on June 6, 2006
- Service District:** North Oakland
- City Council District:** 1 (north of MacArthur)
- Staff Recommendation:** That the Planning Commission approve Design Review for the Phase 1 Broadway Medical Office Building and parking garage, and approve the Creek Protection Permit. Approval subject to the conditions, requirements, and findings contained in the staff report. The Creek Protection Permit is being referred to the Planning Commission by the Planning Director to be considered with the Design Review permit for Phase I.
- For further information:** Contact: **Scott Gregory**, contract planner to the City at 510-535-6690, or by email at kaiser@lamphier-gregory.com.
- The staff report will be made available prior to 8/25 at :
www.oaklandnet.com/government/ceda/revised/planningzoning/MajorProjectsSection/kaiser.html and/or:
www.oaklandnet.com/government/ceda/revised/planningzoning/Commission/default.html

Attachment A Attachment E
Attachment B Attachment F
Attachment C
Attachment D



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: July 19, 2006, August 16, 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 20, 2006