



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

September 20, 2006
Regular Meeting

****REVISED 9-12-06***

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.


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

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.



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. 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

Committee Reports

Commission Matters

**Selection of Commission representative to Oakland
Chinatown Advisory Committee**

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.

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.

1.	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. This item appeared before the Commission on July 19, 2006, and at the request of the Commission was continued to September 20, 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 .



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.



2.	Citywide
Location:	
Proposal:	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.
Applicant:	City Planning Commission
Contact Person/Phone Number:	Neil Gray at (510) 238-3878 or by email: ngray@oaklandnet.com
General Plan:	Housing and Business Mix
Zoning:	Various
Environmental Determination:	Exempt, Section 15061b3 of the State CEQA Guidelines; no possibility that the activity in question may have a significant effect on the environment.
Historic Status:	Not applicable
Service Delivery District:	1-6
City Council District:	1-3, 5-7
Status:	This item was continued from the August 16, 2006 meeting.
Action to be Taken:	Pending
Finality of Decision:	Decision is final
For Further Information:	Contact case planner Neil Gray at (510) 238-3878 or by email: ngray@oaklandnet.com

3.	Location: 3422 Hollis St. (APNs: 007-0611-017-00, 007-0611-018-00, 007-0611-019-00, and 007-0611-025-04)
	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: This item was continued from the August 16, 2006 meeting.
	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



- 4.**
- Location:** 1087 Stanford Avenue (APN 015 -1305-020-01) (2/28/06)
- Proposal:** To legalize a Service-Enriched Permanent Housing activity for 12 adults within an existing structure; no external changes proposed.
- Applicant:** Davida Coady, M.D, Options Recovery Services
- Contact Person/Phone Number:** Faith Fuller, (510) 666-9900
- Owner:** Options Recovery Services, Inc.
- Case File Number:** **CM06-089**
- Planning Permits Required:** Major Conditional Use Permit
- General Plan:** Mixed Housing Type
- Zoning:** R-40 Garden Apartment Residential and S-18 Meditated Residential Design Review Combining Zones
- Environmental Determination:** Exempt, 15301 State CEQA Guidelines: minor alterations to existing facilities
- Historic Status:** The building is a Potentially Designated Historic Property(PDHP); Survey rating: C3
- Service Delivery District:** 2
- City Council District:** 1
- Status:** Pending
- Action to be Taken:** Decision based on staff report
- Finality of Decision:** Appealable to City Council
- For Further Information:** Contact case planner Chris Candell at (510) 238-6986 or by email: ccandell@oaklandnet.com

- 5.**
- Location:** Citywide
- Proposal:** To amend the Oakland Planning Code and Zoning Map to revise design review procedures and thresholds Citywide, make other minor Planning Code revisions, and eliminate the S-14, S-18, and S-19 combining zone designations on the Oakland Zoning Map.
- Applicant:** Oakland Planning Department
- Case File Number:** **ZT06-400; RZ06-452**
- Planning Permits Required:** Application for Zoning Text Amendment (ZT) to consider revisions to design review procedures and thresholds in the Oakland Planning Code (Title 17); and application for Rezoning (RZ) to consider elimination of the S-14, S-18, and S-19 combining zone designations on the Oakland Zoning Map.
- General Plan:** All land use designations
- Zoning:** All Zoning designations
- Environmental Determination:** Exempt - State CEQA Guidelines Section 15183; Project involves uniformly applied development policies consistent with General Plan.
- Historic Status:** Not applicable
- Service Delivery District:** All (1-6)
- City Council District:** All (1-7)
- Status:** Pending
- Action to be Taken:** Recommendation to the Oakland Planning Commission.
- Finality of Decision:** No final decision will be taken at this meeting.
- For Further Information:** Contact case planner, **Edward Manasse**, at (510) 238-7733 or by email: emanasse@oaklandnet.com

**THIS ITEM HAS BEEN CONTINUED TO THE
OCTOBER 4, 2006 PLANNING COMMISSION AGENDA.**

6. **Location:** 3329 Foothill Blvd.(033-2118-003-00)
Proposal: Major Conditional Use Permit for Off-sale Alcoholic Beverage Commercial Sales Activity in an existing restaurant.
Applicant: Humberto Rodriguez
Contact Person/Phone Number: Humberto Rodriguez/ 510-261-7568
Owner: Jeane Mann & Steve Gouig
Case File Number: CM06-197
Planning Permits Required: Major Conditional Use Permit
General Plan: Urban Residential
Zoning: C-30
Environmental Determination: Exempt, CEQA Guidelines (General Rule Exemption) Section 15301
Historic Status: Non Historic Property (NHP)
Service Delivery District: 4
City Council District: 5
Status: Approve application with attached conditions.
Action to be Taken: Pending
Finality of Decision: Appealable to City Council
For Further Information: Contact case planner Jacob Graef at (510) 777-8672 or by email at jgraef@oaklandnet.com.

7. **Location:** Site bounded by Broadway, 23rd Street, Valley Street, and 24th Street (“Parcel B” portion of Broadway-West Grand Project).
Proposal: Vesting Tentative Tract Map for existing, 15-parcel site (Parcel B), that would result in 4 ground lots and 2 air-rights lots to include 367 residential units, and 27,700 sf. retail uses.
Project Sponsor: Signature Properties, Inc.
Owners: Negherbon Lincoln Mercury, Inc.; Signature at Broadway Grand LLC; Craig Hertz
Case File Numbers: TTM7811 (related to PUD03552, PUDF03553, ER030022)
Planning Permits Required: Tentative Tract Map, amendments to Planned Unit Development permits (Preliminary Development Plan and Final Development Plan), Design Review.
General Plan: Community Commercial
Zoning: C-40 Community Thoroughfare Commercial Zone / C-60 City Service Commercial Zone
Environmental Determination: Addendum to EIR. Final EIR certified on December 1, 2004.
Historic Status: Site includes five buildings considered historic resources under CEQA.
Service Delivery District: II – North Oakland/North Hills
City Council District: 3
Action to be taken: Consider approval of Vesting Tentative Map and acceptance of EIR addendum.
For further information: Contact case planner Catherine Payne at (510) 238-6168 or cpayne@oaklandnet.com



8. Location: **630 Webster St. (APN: 001-0189-002-00)**

Proposal: New construction of a mixed-use building containing 27 residential dwelling units and approximately 2,650 square feet of ground floor commercial space.

Applicant: Howai Lai, YHLA Architects

Contact Person/Phone Number: Howai Lai, YHLA Architects - (510) 836-6688, ext. 106

Owner: Golden Stone Investment Corp.

Case File Number: **CDV06-270**

Planning Permits Required: Major Design Review for new construction of a building exceeding 25,000 square feet, a Minor Variance for maneuvering aisles in part of the garage that are less than 24' wide, and an Interim Conditional Use Permit for Residential Density allowed within the Community Thoroughfare Commercial General Plan Area.

General Plan: Central Business District

Zoning: C-40, Community Thoroughfare Commercial
S-17, Downtown Residential Open Space Combining Zone

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

Historic Status: Not a Potentially Designated Historic Property (vacant lot)

Service Delivery District: Metro

City Council District: 2

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 **Ann Clevenger** at **(510)238-6980** or by e-mail at **aclevenger@oaklandnet.com**.

9. Location: **3860 & 3884 Martin Luther King Jr. Way (APNs 012-0968-030-01 & 012-0968-031-00)**

Proposal: Construct two new mixed-use buildings containing 34 and 40 residential units (74 units total) and ground-floor commercial space on two adjacent parcels.

Applicant: Neil Cotter

Contact Person/Phone Number: Neil Cotter/(650) 259-9303

Owners: Oakland Redevelopment Agency; Neil Cotter

Case File Numbers: **CDV06-325 & CDV06-326**

Planning Permits Required: Regular Design Review to allow construction of new residential facilities; Major Conditional Use Permits to allow 1) density bonuses; and 2) a shared access facility (common driveway); and Minor Variances to allow: 1) Maximum building height of 65 feet and 68 feet where 40 feet is the maximum allowed in the rear (east) side of the site; 2) No rear yard setback where 10 feet minimum is required (from the east property lines); and 3) No setback from certain parking garage obstructions (supporting columns) where three feet minimum is required between the obstruction and the side of a parking space.

General Plan: Neighborhood Center Mixed Use

Zoning: C-30 District Thoroughfare Commercial Zone/S-18 Mediated Residential Design Review Combining Zone (portion of site); R-70 High Density Residential Zone/S-18 Mediated Residential Design Review Combining Zone (portion of site)

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

Historic Status: Not a Potential Designated Historic Property; Survey rating: Ed3

Service Delivery District: 2

City Council District: 1

Status: Pending. The project was previously reviewed by the Design Review Committee on August 23, 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**.



10. **Location:** **Tassafaronga Village Residential Project is located at 81st Avenue, 82nd Avenue, 83rd Avenue, 84th Avenue, 85th Avenue and G Street.**
- Proposal:** Demolish 16 buildings and redevelop the project site with 191 residential units, including townhomes; apartments; and loft units in a rehabilitated manufacturing building.
- Applicant:** Oakland Housing Authority
- Contact Person/Phone Number:** Bridget Galka, Oakland Housing Authority
(510) 587-2142
- Owner:** Oakland Housing Authority
- Case File Number:** **GP06-182; RZ06-183; CMDV06-184 & ER06-0013**
- Planning Permits Required:** General Plan Amendment from Business Mix to Mixed Housing Type; Rezoning from M-30 to R-50; Redevelopment Plan Amendment from Industrial to Residential; Major Conditional Use Permit to allow construction of more than 2 units on a lot; Minor Conditional Use Permit to create a Mini-lot; Minor Variances to allow: 1) a 13-foot front yard setback (along 85th Avenue) where 15-feet is required; 2) a 10-foot rear yard setback (along 81st Avenue) where 15-feet is required; and 3) to exceed the maximum lot size for waiver of standards within a Mini-lot (60,000 sq.ft. maximum; 317,552 sq.ft. proposed).
- General Plan:** Housing Business Mix (portion of project area south of 83rd Street) and Business Mix (portion of project area north of 83rd Street)
- Zoning:** R-50 Medium Density Residential Zone (portion of project area south of 83rd Street) and M-30 General Industrial Zone (portion of project area north of 83rd Street).
- Environmental Determination:** A Mitigated Negative Declaration (MND) has been prepared for the project.
- Historic Status:** The site is developed with public housing (Tassafaronga Village) and a vacant manufacturing building, the D. Merlino and Sons pasta factory. The pasta factory was rated D-3 (building of minor importance) by the Oakland Cultural Heritage Survey.
- Service Delivery District:** 6
- City Council District:** 7
- Status:** Pending. The project was previously reviewed by the Design Review Committee on May 24, 2006.
- Action to be Taken:** Take public testimony and issue decision on the land use permit applications and make recommendations to the City Council on the legislative actions (general plan amendment, redevelopment plan amendment and rezoning).
- Finality of Decision:** Land Use Permits and unfavorable recommendation on legislative actions appealable to City Council; Favorable recommendation on legislative action automatically heard by Council.
- For Further Information:** Contact the case planner, **Charity Wagner**, at **(510) 540-7331** or by e-mail at **charity.wagner@lsa-assoc.com**.



11. **Location:** **Oak Knoll Redevelopment Project Area and the Central City East Redevelopment Project Area**
- Proposal:** Recommendation to concur with Amendments to the Central City East Redevelopment Plan and the Oak Knoll Redevelopment Plan to Merge the Project Areas and some of the Affordable Housing Production Requirements for the Oak Knoll and Central City East Project Areas. Recommendation to concur with additional amendments specific to the Oak Knoll Redevelopment Plan to raise the Tax Increment limit; raise the bonded indebtedness limit; update the land use map to conform to the LUTE; expand the list of authorized public improvements; and change text references to the Reuse Plan to the General Plan.
- Applicant:** Oakland Community and Economic Development Agency (CEDA)
- Contact Person/Phone:** Aliza Gallo, (510) 238-7405
- Owner:** Oakland Redevelopment Agency
- Planning Permits Required:** None required for the proposed action
- General Plan:** Proposed action will include policy statements and map changes to ensure that Oak Knoll Redevelopment Plan and Maps are consistent with the adopted General Plan
- Zoning:** No changes required for the proposed action
- Environmental Determination:** Exemption per General Rule Section 15378 (b)(4) Project, 15061(b)(3), 15262, and Others - State CEQA Guidelines
- Historic Status:** Existing Historic Status not affected by the proposed action
- Service Delivery District:** 3, 4, 5, 6
- Status:** Per Resolution No. 2006-0062 C.M.S., the Oakland Redevelopment Agency approved the amendment of Resolution No. 2005-0051 which Authorized the Preparation of Fiscal Merger Amendments to the Central City East Redevelopment Plan and the Oak Knoll Redevelopment Plan and Authorized the Preparation of Further Redevelopment Plan Amendments to Increase the Oak Knoll Tax Increment Limit and Merge the Affordable Housing Production Requirements for the Oak Knoll and Central City East Project Areas. On February 15, 2006, the Planning Commission voted to find the fiscal merger amendment in conformance with the General Plan and approved recommending that the Agency and City Council approve the fiscal merger amendments. In April 2006, staff rescheduled the fiscal merger actions in order to hold additional community meetings. The Central City East Project Area Committee which had already approved the fiscal merger in January 2006, were presented the additional amendments on July 10, 2006 and on August 28, 2006, approved adoption of the additional Plan amendments. A meeting was held with the surrounding Oak Knoll community on December 15 2005 related to the fiscal merger and in coordination with the developer/owner SunCal Companies, two additional meetings were held on July 12 and July 26, 2006.
- Action to be Taken:** Find the proposed Amendments in conformance with the General Plan and recommend that the City Council and Agency approve the Amendments to the Oak Knoll Redevelopment Plan and Central City East Redevelopment Plan.
- For Further Information:** Project Manager Aliza Gallo at (510) 238-7405, agallo@oaklandnet.com



COMMISSION BUSINESS

Approval of Minutes: June 21, July 5, July 12, July 19, 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: October 4, 2006

***REVISED 9-12-06 TO NOTE ITEM NUMBER 5 AS
BEING CONTINUED TO 10-04-06.**