



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

September 3, 2008
Regular Meeting

Revised 8-20-08* (See End of Agenda)

MEAL GATHERING **5:00P.M.**

Saigon Restaurant, 326 Frank Ogawa Plaza, Oakland. Open to the public. (Members of the public may purchase their own meal if desired. Consumption of food is not required to attend.)

BUSINESS MEETING **6:00 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. 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

Status Report on the Mills Act Contract Application Selection



Committee Reports

Commission Matters

Upcoming Planning Commission Meetings

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:	1701 Broadway, APN#008-0640-011-00
	Proposal:	Consider approval of up to four (4) new signs for Youth Media, including two (2) illuminated electronic readerboard signs on the building's 4 th floor cornice line- one each at the corner of Broadway and 17 th Street, and Telegraph and 17 th Street; one (1) fixed wall sign facing 17 th Street on the building's 4 th floor cornice line; and one (1) projecting blade sign near the Broadway main entrance
	Project Sponsor:	Youth Radio
	Owner(s):	Youth Radio/Mike Rubio, Manager (510) 251-1101
	Case File Number(s):	DV08-0212
	Planning Permits Required:	Major Variance to allow new signs with up to 380 square feet of total sign area, where a maximum of 98 square feet of signs would be allowed (Section 17.104.020.B.1, Area); Regular Design Review to allow two illuminated electronic readerboard signs along the 4 th level cornice line- each 3 feet tall by 50 feet long (150 square feet each), wrapping around the corners of Broadway/17 th Street and Telegraph/17 th Street respectively; a fixed wall sign on the 17 th Street-facing cornice line of 45 square feet with internally illuminated green channel letters; and a projecting illuminated metal blade sign of 36 square feet on the corner of Broadway and 17 th Street
	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:	Exempt, Section 15303 of CEQA Guidelines, New construction of small structures; Also, Section 15183 of CEQA Guidelines, Projects consistent with General Plan or Zoning
	Historic Status:	None (not PDHP)
	Service Delivery District:	Metro
	City Council District:	3
	Status:	Complete
	Action to be Taken:	Decision on Major Variance and Review Design Review permits
	Finality of Decision:	Appealable to City Council
	For further information:	Contact David Valeska, Planner II at 510-238-2075 or by e-mail at dvaleska@oaklandnet.com



PLEASE NOTE: ITEM #2, BELOW HAS BEEN REMOVED FROM THIS AGENDA

2.	Location:	889 West Grand Avenue (APN 003-0029-001-00)
	Proposal:	To demolish an existing gas station with a convenience market, and build a new gas station, a 2,900 sq ft convenience market with beer and wine sales, and a new car wash facility. Remove 6 trees and protect 5 trees.
	Applicant:	Pete Tobin
	Contact Person/Phone Number:	(925) 768-0306
	Owner:	Atlantic Richfield Company
	Case File Number:	CMDV07-548 & T07-173
	Planning Permits Required:	Major Conditional Use Permit to allow alcohol beverage sales (beer and wine only) at a new gas station with convenience store; Minor Conditional Use Permit to establish a drive-through facility; and Regular Design Review for a new building facility and signage in an S-4 zone. Tree permit for removal of 6 trees and protection of 5 trees.
	General Plan:	Community Commercial
	Zoning:	C-30, District Thoroughfare Commercial Zone S-4, Design Review Combining Zone
	Environmental Determination:	Exempt, Section 15302 of the State CEQA Guidelines; replacement or reconstruction of existing structures; Section 15303 of the State CEQA Guidelines; new construction of small structures; Section 15183 Projects consistent with the General Plan or Zoning.
	Historic Status:	Not a Potentially Designated Historic Property (PDHP); Survey rating: *3
	Service Delivery District:	1
	City Council District:	3
	Status:	Complete
	Action to be Taken:	Decision on application based on Staff Report
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact case planner Ulla-Britt Jonsson at (510) 238-3322 or by email: ujonsson@oaklandnet.com.

3.	Location:	Jack London Square Development Project: Area generally located southeast of Embarcadero between Clay Street (to the northwest) and Alice Street to the southeast.
	Proposal:	Consider approval of Sign Program, as required by the Development Agreement Section 3.3.4.
	Project Sponsor:	Ellis Partners, LLC
	Owner(s):	Port of Oakland and Ellis Partners
	Case File Number(s):	ER03-0004
	Planning Permits Required:	N/A
	General Plan:	Mixed Use Waterfront – Estuary Policy Plan Area
	Zoning:	C-45 Community Shopping Commercial Zone

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Environmental Determination: The EIR was certified on March 17, 2004 by the Planning Commission.

Historic Status: None.

Service Delivery District: I – Downtown/West Oakland/Harbor

City Council District: 2

Status: Final Development Permit approved on March 17, 2004

Action to be Taken: Sign Program

Finality of Decision: Final

For further information: Contact **Catherine Payne** at 510-238-6168 or by e-mail at cpayne@oaklandnet.com

PLEASE NOTE: ITEM #4, BELOW HAS BEEN REMOVED FROM THIS AGENDA

4.

Location: ~~Site bounded by Broadway, 23rd Street, Valley Street, and 24th Street (“Parcel B” portion of Broadway West Grand Project).~~

Proposal: ~~Extend by three years 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: ~~TTM 7811 (related to PUD03552, PUDF03553, ER030022)~~

Planning Permits Required: ~~Tentative Tract Map Extension~~

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 extension of Vesting Tentative Map.~~

For further information: ~~Contact case planner Catherine Payne at (510) 238-6168 or epayne@oaklandnet.com~~



5. **Project Name:** The Creekside Mixed-Use Development Project
Location: 5132 Telegraph Avenue
Assessor's Parcel Number: 014-1226-013-00
Proposal: Demolition of an existing commercial building and surface parking and construction of up to 120 residential units (comprised of 115 market-rate units and five very low-income units), approximately 7,700 square feet of ground-floor commercial space, 120 enclosed parking spaces, and approximately 5,000 square feet of courtyard open space.
Applicant: George F. Hauser
Contact Person/Phone Number: George F. Hauser / (415) 701-0554
Owner: Daniel S. Jun
Case File Numbers: **CMDV07-064; ER07-017**
Planning Permits Required: Conditional Use Permit; Design Review; Variances
General Plan: Neighborhood Center Mixed Use (portion of site); Mixed Housing Type Residential (portion of site)
Zoning: C-28 Commercial Shopping District Zone (portion of site); R-40 Garden Apartment Residential Zone (portion of site)
Environmental Determination: A Draft Environmental Impact Report (EIR) has been prepared and was released for public review on August 15, 2008. The comment period closes on September 29, 2008.
Historic Status: Not a Potential Designated Historic Property (PDHP); Survey rating: X
Service Delivery District: 2
City Council District: 1
Status: Pending
Action to be Taken: Solicit comments on Draft EIR. No decisions will be made on the project at this hearing.
For further information: Contact the case planner, **Darin Ranelletti**, at **(510) 238-3663** or by e-mail at **dranelletti@oaklandnet.com**.

**PLEASE NOTE: ITEM #6, BELOW, WILL NOT BE HEARD
PRIOR TO 8:00 P.M.**

6. **Project Name:** Kaiser Permanente Hospital (Phase 2), Design Review
Location: The full block between **Broadway and Piedmont Avenue, and between I-580 and West MacArthur Boulevard**
Proposal: Demolition of all existing structures and construction of a new, approximately 1.06 million square foot hospital, hospital support building and medical office building, an associated parking structure and central utility plant. The proposed new hospital is the 2nd phase of the Kaiser Permanente Oakland Medical Center Master Plan as approved on July 18, 2006.
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Applicant: Kaiser Permanente, Kaiser Foundation Health Plan
Michael Lane, Project Director, Kaiser Permanente
Phone: (510) 987-2373



Owner:	Kaiser Permanente
Case File Number:	DR07-496
Planning Permits Required:	Major Design Review
General Plan:	Institutional
Zoning:	KX: Kaiser Permanente Oakland Medical Center Zone
Historic Status:	No historic resources identified on the project site
Environmental Determination:	An EIR for the Kaiser Permanente OMC Master Plan was prepared by the City of Oakland as the Lead Agency. That EIR was certified by the Oakland Planning Commission on June 6, 2006 and its certification confirmed by the City Council on June 27, 2006. The current project is generally consistent with that analyzed in the Master Plan EIR. No additional environmental review is required
City Council District:	3, south of MacArthur
Date Filed:	November 20, 2007
Action to be Taken:	Decision based on staff report
Finality of Decision:	<i>Appealable to City Council</i>
For Further Information:	Contact: Scott Gregory , contract planner to the City at 510-535-6690, or by email at kaiser@lamphier-gregory.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: August 6, 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: September 17, 2008

*Revised 8-20-08 to indicate items #2 and #4 as being removed from this agenda, and a *Commission Matters*, item was added.