



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

**November 19, 2008**  
**Regular Meeting**

**Revised 11-06-08\* (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.**

**Hearing Room 1, 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. 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 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. 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.

Applicants or members of the public that plan power point presentations: Please contact Robynn Parker at [raparker@oaklandnet.com](mailto:raparker@oaklandnet.com) or 510-238-2950 or Gwen Brown at [gbrown@oaklandnet.com](mailto:gbrown@oaklandnet.com) or 510-238-6194 at least 48 hours prior to the meeting.

***ROLL CALL***

***WELCOME BY THE CHAIR***

***COMMISSION BUSINESS***



**Agenda Discussion**

**Director's Report**

Housing Foreclosure Report

**Committee Reports**

**Commission Matters**

Upcoming meeting dates through January, 2009.

**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.

**PLEASE NOTE: ITEM #1, BELOW HAS BEEN REMOVED FROM THIS AGENDA**

<b>1.</b>	<b>Location:</b>	<b>116 6<sup>th</sup> Street (APN 001-0173-009-00)</b>
	<b>Proposal:</b>	<del>Extend approval of residential building development for up to 80 units</del>
	<b>Contact Person/Phone Number:</b>	<del>Adam Deromedi (510) 649-8500</del>
	<b>Owner:</b>	<del>Affordable Housing Associates</del>
	<b>Case File Number:</b>	<b>CMDV05-516</b>
	<b>Planning Permits Required:</b>	<del>Extension of Permits for an Interim Major Conditional Use Permit (CUP) for a density that exceeds the zoning but is consistent with the General Plan; Minor Variances for rear yard setback and dimension of parking space against a wall or other obstruction; Regular Design Review</del>
	<b>General Plan:</b>	<del>Central Business District</del>
	<b>Zoning:</b>	<del>C-40 Community Thoroughfare Zoning District S-4 Design Review Combining Zone S-17 Downtown Residential Open Space Combining Zone</del>
	<b>Environmental Determination:</b>	<del>Exempt, Section 15332 of the State CEQA Guidelines: Infill Exemption Exempt, Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning</del>

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**Historic Status:** The project site is a vacant lot. The project is directly adjacent to several Potentially Designated Historic Properties (PDHP's) with survey ratings of C1+. These properties are located within the 7<sup>th</sup> Street/Harrison Square Residential Historic District, an Area of Primary Importance eligible for inclusion on the National Register of Historic Places.

**Service Delivery District:** Metro

**City Council District:** 2

**For Further Information:** Contact **David Valeska** at **(510) 238-2075** or [dvaleska@oaklandnet.com](mailto:dvaleska@oaklandnet.com)

## 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.

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| <b>1. A.</b> | <b>Location:</b> <b>Citywide</b>   |
|              | <b>Proposal:</b> Correction of Long-standing, Scrivener's Errors of the General Plan Land Use Diagram to Conform to What Was Previously Adopted. |



<b>Applicant:</b>	Planning Commission
<b>Case File Number:</b>	<b>GP08-259</b>
<b>Planning Permits Required:</b>	N/A
<b>General Plan:</b>	Citywide
<b>Zoning:</b>	Citywide
<b>Environmental Determination:</b>	Relying on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (ER97-0018).; as a separate and independent basis, this proposal is also exempt under Sections 15061(b)(3), 15183, and/or Section 15273 of the State CEQA Guidelines.
<b>Service Delivery District:</b>	Citywide
<b>City Council district:</b>	Citywide
<b>Date Filed:</b>	September 23, 2008
<b>Status:</b>	N/A
<b>Staff Recommendation:</b>	Forward recommendation to City Council.
<b>For further information:</b>	Contact <b>Christina Ferracane</b> , Strategic Planning at (510) 238-3903 or by email: cferracane@oaklandnet.com

2. **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 2<sup>nd</sup> phase of the Kaiser Permanente Oakland Medical Center Master Plan as approved on July 18, 2006.
- Applicant:** Kaiser Permanente, Kaiser Foundation Health Plan  
Michael Lane, Project Director, Kaiser Permanente
- Phone:** (510) 987-2373
- Owner:** Kaiser Permanente
- Case File Number:** **DR07496**
- 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
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- (continued from page 5)
- 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



<b>Status:</b>	This item was heard at the Planning Commission Meeting of September 3, 3008, and continued because of design issues;
<b>Action to be Taken:</b>	Decision based on staff report
<b>Finality of Decision:</b>	<i>Appealable to City Council</i>
<b>For Further Information:</b>	Contact: <b>Scott Gregory</b> , contract planner to the City at 510-535-6690, or by email at <a href="mailto:kaiser@lamphier-gregory.com">kaiser@lamphier-gregory.com</a>

3.	<b>Project Name:</b> <b>The Creekside Mixed-Use Development Project</b>
	<b>Location:</b> <b>5132 Telegraph Avenue</b>
	<b>Assessor's Parcel Number:</b> 014-1226-013-00
	<b>Proposal:</b> Demolition of an existing commercial building and surface parking and construction of 102 residential units, approximately 5,976 square feet of ground-floor commercial space, and 102 enclosed parking spaces.
	<b>Applicant:</b> George F. Hauser
	<b>Contact Person/Phone Number:</b> George F. Hauser / (415) 701-0554
	<b>Owner:</b> Daniel S. Jun
	<b>Case File Numbers:</b> <b>CMDV07-064; ER07-017</b>
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**Planning Permits Required:**

- 1) Regular Design Review to allow construction of a new facility;
- 2) Interim Conditional Use Permit to apply the density policies of the General Plan thereby allowing 88 units on the western portion of the site designated Neighborhood Center Mixed Use where a maximum of 64 units are allowed by the zoning regulations;
- 3) Major Variance to apply the density policies of the General Plan thereby allowing 14 units on the eastern portion of the site designated Mixed Housing Type Residential where a maximum of five units are allowed by the zoning regulations;
- 4) Minor Variance to allow a building height of up to 60 feet in the C-28 Zone where 40 feet is the maximum allowed;
- 5) Minor Variance to allow a building height of up to 55 feet in the R-40 Zone where 25 feet is the maximum allowed;
- 6) Minor Variance to allow a one-foot setback from Clarke Street where 15 feet is the minimum required;
- 7) Conditional Use Permit to allow a total of 102 off-street parking spaces where up to 141 total parking spaces are required by allowing shared parking between the residential uses and commercial uses; and
- 8) Minor Variance to allow one off-street parking space per residential unit in the R-40 Zone where one and one-half parking spaces per residential unit are required.

**General Plan:** Neighborhood Center Mixed Use (western portion of the site near Telegraph Avenue and Claremont Avenue); Mixed Housing Type Residential (eastern portion of the site near Clarke Street)

**Zoning:** C-28 Commercial Shopping District Zone (western portion of the site near Telegraph Avenue and Claremont Avenue); R-40 Garden Apartment Residential Zone (eastern portion of the site near Clarke Street)

**Environmental Determination:** A Draft Environmental Impact Report (EIR) was released for public review on August 15, 2008. The comment period closed on September 29, 2008. A Final EIR is being prepared and will be released for review on or prior to November 7, 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:** Certification of the EIR and decision on the planning permits for the project based on the staff report.

**For further information:** Contact the case planner, **Darin Ranelletti**, at (510) 238-3663 or by e-mail at [dranelletti@oaklandnet.com](mailto:dranelletti@oaklandnet.com).



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/overtakes 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:** October 1, October 15 and November 5, 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:*** December 3, 2008

\* Revised 11-6-08 to add a Directors Report (as per action at the 11-5-08 Commission Meeting), and to remove Item #1 from the agenda, and to add item 1.A to the agenda as continued from the 11-5-08 Commission Meeting (General Plan Corrections).