



*Anne Mudge, Chair  
Doug Boxer, Vice Chair  
Michael Colbruno  
Nicole Franklin  
Suzie W. Lee  
Michael Lighty  
Madeleine Zayas Mart*

**October 4, 2006**  
**Regular Meeting**

**MEAL GATHERING**

**5:15 P.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**

**6:30 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 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 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. 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**

Future Commission Meeting Start Time

**Director's Reports**

**Committee Reports**

**Commission Matters**

Introduction of new Commissioners – Michael Colbruno and Madeleine Zayas Mart

New Commissioners - Appointments to Commission Committees (including Design Review Committee and Residential Appeals 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.

<b>1.</b>	<p><b>Location:</b> 3422 Hollis St. (APNs: 007-0611-017-00, 007-0611-018-00, 007-0611-019-00, and 007-0611-025-04)</p> <p><b>Proposal:</b> 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.</p> <p><b>Applicant:</b> Extra Space Storage</p> <p><b>Contact Person/Phone Number:</b> Nancy Bane, (949) 228-1130</p> <p><b>Owner:</b> Thomas and Joan Eychner</p> <p><b>Case File Number:</b> <b>CM06119</b></p> <p><b>Planning Permits Required:</b> 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.</p> <p><b>General Plan:</b> Housing and Business Mix.</p> <p><b>Zoning:</b> M-30, General Industrial Zone.</p> <p><b>Historic Status:</b> Not a Potentially Designated Historic Property.</p> <p><b>Service Delivery District:</b> 1</p> <p><b>City Council District:</b> 3</p> <p><b>Status:</b> This item was continued from the August 16, 2006 meeting and heard at the September 20, 2006 meeting. A motion to approve the Conditional Use Permit was made and a straw vote was taken since no Findings for Approval nor Conditions of Approval had been prepared. That motion was approved, with direction for staff to bring this item back to the Commission on October 4, 2006 with necessary Findings and Conditions of Approval.</p> <p><b>Action to be Taken:</b> Decision on application based on staff report and public testimony</p> <p><b>Finality of Decision:</b> Appealable to City Council</p> <p><b>For Further Information:</b> Contact case planner Neil Gray at (510)238-3878 or by email: <a href="mailto:ngray@oaklandnet.com">ngray@oaklandnet.com</a></p>
-----------	---



2.	<p><b>Location:</b> Site bounded by Broadway, 23<sup>rd</sup> Street, Valley Street, and 24<sup>th</sup> Street (“Parcel B” portion of Broadway-West Grand Project).</p> <p><b>Proposal:</b> 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.</p> <p><b>Project Sponsor:</b> Signature Properties, Inc.</p> <p><b>Owners:</b> Negherbon Lincoln Mercury, Inc.; Signature at Broadway Grand LLC; Craig Hertz</p> <p><b>Case File Numbers:</b> TTM7811 (related to PUD03552, PUDF03553, ER030022)</p> <p><b>Planning Permits Required:</b> Tentative Tract Map, amendments to Planned Unit Development permits (Preliminary Development Plan and Final Development Plan), Design Review.</p> <p><b>General Plan:</b> Community Commercial</p> <p><b>Zoning:</b> C-40 Community Thoroughfare Commercial Zone / C-60 City Service Commercial Zone</p> <p><b>Environmental Determination:</b> Addendum to EIR. Final EIR certified on December 1, 2004.</p> <p><b>Historic Status:</b> Site includes five buildings considered historic resources under CEQA.</p> <p><b>Service Delivery District:</b> II – North Oakland/North Hills</p> <p><b>City Council District:</b> 3</p> <p><b>Status:</b> This item was continued from the September 20, 2006 meeting so that issues with Conditions of Approval could be worked out between staff and the applicant.</p> <p><b>Action to be taken:</b> Consider approval of Vesting Tentative Map and acceptance of EIR addendum.</p> <p><b>For further information:</b> Contact case planner <b>Catherine Payne</b> at (510) 238-6168 or cpayne@oaklandnet.com</p>
----	---

**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.

<b>3.</b>	<b>Location:</b>	<b>721-741 Broadway (See map on reverse)</b>
	<b>Assessors Parcel Numbers:</b>	<b>APN# 001-0201-015-00</b>
	<b>Proposal:</b>	New construction of a five-story mixed-use building, including 48 residential units and first floor commercial units, podium and roof open space, and first floor parking (lift parking 45 spaces) totaling 47 spaces.
	<b>Applicant:</b>	Solomon-E.T.C.
	<b>Owner:</b>	AFE Broadway-8, LLC
	<b>Planning Permits Required:</b>	Major Design Review by the Planning Commission per Zoning Code Section 17.136.060 (Projects that involve 25,000 square feet of floor area and located in the C-52 zone), minor variances for height and rear yard setback - Approved at August 16, 2006 Planning Commission with Conditions, including condition requiring review and approval by the Planning Commission Design Review Sub-committee.
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	C-52 – Old Oakland Commercial Zone; S-7 – Preservation Combining Zone; S-8 – Urban Street Combining Zone; S-17 Downtown Residential Open Space Combining Zone.
	<b>Environmental Determination:</b>	Exempt per California Environmental Quality Act Categorical Exemption 15332 – In-fill Development Projects;
	<b>Historic Status:</b>	Vacant Lot in the Victorian row, City of Oakland Historic District (R76-28 – 4/13/76)
	<b>Service Delivery District:</b>	Downtown Metro
	<b>City Council District:</b>	1 – Nancy Nadel
	<b>Date Filed:</b>	May 1, 2006
	<b>Status:</b>	Approved at August 16, 2006 Planning Commission with Conditions, including condition requiring review and approval by the Planning Commission Design Review Sub-committee. The Development Director is requesting that the Planning Commission Sub-committee Design Review be conducted Administratively, since it was not evident that a quorum of the Design Review Committee would be sitting for this item at the September 27, 2006 Design Review Committee meeting.
	<b>Staff Recommendation:</b>	Per staff report
	<b>Finality of Decision:</b>	Appealable to City Council
	<b>For Further Information:</b>	Contact case planner <b>Joann Pavlinec</b> at <b>510-238-6344</b> .



4.                   **Location:** 2815 West Street (APN 009 -0693-004-00) (5/19/06)  
**Proposal:** To establish a Service-Enriched Permanent Housing Activity for 16 adults within an existing structure; no external changes proposed.  
**Applicant:** Carolyn Robinson, East Bay Transitional Housing  
**Contact Person/Phone Number:** Carolyn Robinson, (510) 978-1146  
**Owner:** Carolyn Robinson, East Bay Transitional Housing  
**Case File Number:** CM06-245  
**Planning Permits Required:** Major Conditional Use Permit  
**General Plan:** Mixed Housing Type  
**Zoning:** R-36 Special Small Lot Residential Zone  
**Environmental Determination:** Exempt, 15301 State CEQA Guidelines: minor alterations to existing facilities  
**Historic Status:** The building is not a Potentially Designated Historic Property(PDHP); post 1945  
**Service Delivery District:** I  
**City Council District:** 3  
**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](mailto:ccandell@oaklandnet.com)

5.                   **Location:** Jack London Square Development Project: Site F1 (south of Embarcadero (and railroad right-of-way), at Webster Street.  
**Proposal:** Confirm Site F1 compliance with Development Agreement Condition 32, and approve F1 design  
**Project Sponsor:** Ellis Partners, LLC  
**Owner(s):** Port of Oakland  
**Case File Number(s):** ER030004  
**Planning Permits Required:** N/A  
**General Plan:** Mixed Use Waterfront – Estuary Policy Plan Area  
**Zoning:** C-45 Community Shopping Commercial Zone  
**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:** Consider approval of Site F1 design.  
**Finality of Decision:** Final  
**For further information:** Contact Catherine Payne at 510-238-6168 or by e-mail at [lwarner@oaklandnet.com](mailto:lwarner@oaklandnet.com)



<b>6.</b>	<p><b>Location:</b> Citywide</p> <p><b>Proposal:</b> 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.</p> <p><b>Applicant:</b> Oakland Planning Department</p> <p><b>Case File Number:</b> ZT06-400; RZ06-452</p> <p><b>Planning Permits Required:</b> 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.</p> <p><b>General Plan:</b> All land use designations</p> <p><b>Zoning:</b> All Zoning designations</p> <p><b>Environmental Determination:</b> Exempt - State CEQA Guidelines Section 15183; Project involves uniformly applied development policies consistent with General Plan.</p> <p><b>Historic Status:</b> Not applicable</p> <p><b>Service Delivery District:</b> All (1-6)</p> <p><b>City Council District:</b> All (1-7)</p> <p><b>Status:</b> Pending</p> <p><b>Action to be Taken:</b> Recommendation to the Oakland Planning Commission.</p> <p><b>Finality of Decision:</b> No final decision will be taken at this meeting.</p> <p><b>For Further Information:</b> Contact case planner, <b>Edward Manasse</b>, at (510) 238-7733 or by email: emanasse@oaklandnet.com</p>
-----------	---

**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.

**(No Appeals on this Agenda)**

**COMMISSION BUSINESS**

**Approval of Minutes: September 6, 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 18, 2006