



C. Blake Huntsman, Chair
Doug Boxer, Vice Chair
Michael Colbruno
Sandra E. Gálvez
Vince Gibbs
Vien Truong
Madeleine Zayas-Mart

May 19, 2010
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 meals 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.

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

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.



**New web-site staff report
download instructions**

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.**

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 see staff at the meeting for validation of parking tickets.

Applicants or members of the public that plan power point presentations: Please contact Cheryl Dunaway at cdunaway@oaklandnet.com 510-238-2912 or Gwen Brown at 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

Committee Reports

Commission Matters

Discussion of Summer Meeting schedule



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.

1.	<p>Location: 4601 Shattuck Avenue, (APN: 013-1160-005-00)</p> <p>Proposal: Installation of a wireless facility consisting; one equipment cabinet, located within existing building , two microwave antennas, and three panel antennas at approximately 68’ and 72’-4” high attached to an existing self storage building with 24 existing antennas for a total of 29 telecommunication antennas.</p> <p>Applicant: Cortel c/o Clearwire</p> <p>Contact Person/Phone Number: Michelle Weller (925)997-1312</p> <p>Owner: Storquest Self Storage Oakland LLC.</p> <p>Case File Number: CMD10-078</p> <p>Planning Permits Required: Regular Design Review to install two (2) microwave antennas, 3 panels telecommunication antennas and one equipment cabinet to be located within existing self storage building. Major Conditional Use Permit for the installation of a Macro telecommunication facility within 100 feet of a residential zone.</p> <p>General Plan: Neighborhood Center</p> <p>Zoning: C-28 Commercial Shopping District Zone. R-50 Medium Density Residential Zone.</p> <p>Environmental Determination: Exempt, Section 15301 of the State CEQA Guidelines; minor additions and alterations to existing structures. Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.</p> <p>Historic Status: Potential Designated Historic Property; Survey Rating: C3</p> <p>Service Delivery District: 2</p> <p>City Council District: 1</p> <p>Status: Pending</p> <p>Action to be Taken: Decision of Application</p> <p>Finality of Decision: Appealable to City Council within 10 days</p> <p>For Further Information: Contact case planner Jason Madani at (510) 238-4790 or by email: jsmadani@oaklandnet.com</p>
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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.

2.	<p>Location: Central Business District (CBD)</p> <p>Proposal: 1) As a continuation of the Central Business District rezoning process, staff will present proposed view corridors to protect views of City Hall and the Oakland Tribune Tower from four view points on the east side of Lake Merritt, with five view corridors (two of the view corridors are from the same view point). The proposal includes three views to the Oakland Tribune Tower and two to City Hall, with analysis of height maximums along the view corridors in order to retain the view corridors.</p> <p>Applicant: City Planning Commission</p> <p>Case File Number: RZ10105, ZT10104</p> <p>Planning Permits Required: Rezoning, Zoning Text Amendment</p> <p>General Plan: Central Business District</p> <p>(continued on page 5)</p>
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(continued from 4)

Zoning: CBD-R, CBD-P, CBD-C, and CBD-X

Environmental Determination: The proposal relies on the previously certified Final Environmental Impact Report (EIR) for the Land Use and Transportation Element of the General Plan (1998); the Final Environmental Report for the 1998 Amendment to the Historic Preservation Element of the General Plan; the Housing Element Update Initial Study/Mitigated Negative Declaration (2004); and CEQA Guidelines Section 15183 "Projects Consistent with a Community Plan, General Plan or Zoning".

Historic Status: The Central Business District contains several Areas of Primary Importance (APIs), Areas of Secondary Importance (ASIs), landmark properties, and other historically rated properties.

Service Delivery District: Metro

City Council District: 2 and 3

Status: Recommended by Zoning Update Committee to be heard in front of the full Planning Commission.

Action to be Taken: Recommendation to the City Council.

Finality of Decision: Recommendation forwarded to City Council for final decision.

For Further Information: Contact case planner **Laura Kaminski** at (510) 238-6809 or by email: lkaminski@oaklandnet.com

3. **Location:** **Fruitvale Transit Village (Phase 2) residential project**
Block bounded by 35th and 37th Avenues, East 12th Street and BART tracks. APNs: 033-2197-019 and 033-2177-021

Proposal: Construction of a phased multifamily residential development consisting of 275 residential units with a parking garage on approximately 3.4 acres adjacent to the Fruitvale BART station.

Applicant: The Unity Council/Signature Properties

Contact Person/Phone Number: Patrick Van Ness, (925) 463-1122

Owner: Bay Area Rapid Transit District (BART)

Case File Number: [ER 08-0005/PUD 08-186/TTM 8038/CMD 08-185](#)

Planning Permits Required: Preliminary Planned Unit Development for a phased project; Tentative Tract Map, Major Conditional Use Permit for parking, Tree Removal Permit, and certification of the Final Environmental Impact Report.

General Plan: Neighborhood Center Mixed Use

Zoning: S-15 (Transit Oriented Development Zone)

Environmental Determination: A Final Environmental Impact Report (FEIR) has been prepared for this project and was published on April 28, 2010.

Historic Status: None

Service Delivery District: 4

City Council District: 5

Staff Recommendation: Decision based on staff report

Finality of Decision: Appealable to City Council within 10 days

For Further Information: Contact project planner **Kristi Bascom** at (510) 582-1328 or by email: kristi@planbmc.com



4.	<p>Project Name: Alta Bates Summit Medical Center- Summit Campus Seismic Upgrade and Master Plan</p> <p>Location: 20.4-acre campus generally between Telegraph and Webster, and between 30th Street and 34th Street</p> <p>Proposal: The ABSMC Seismic Upgrade and Master Plan is intended to comply with state seismic safety requirements of SB 1953, as well as to provide a long-term vision for the campus in order to meet hospital and community needs. Phase 1 of the project includes demolition of Bechtel Hall and five other small buildings, and construction of a new 230,000 sq. ft. (11-story) acute care hospital, plus a new 1,067-space (7-level) parking garage and a new temporary surface parking lot at the corner of Hawthorne/Elm. Phase 1 construction is expected to begin in 2010 and continue through 2015. Future phases include longer-term improvements including a new Medical Office Building on Summit Street (potentially included in Phase 1), a Samuel Merritt University expansion building at Hawthorne/Elm, and potential closure of a portion of Summit Street between 30th Street and Hawthorne Avenue as a new campus plaza.</p> <p>Applicant: Alta Bates Summit Medical Center, an affiliate of Sutter Health Shahrokh Sayadi, Project Director</p> <p>Phone: 415-203-6345</p> <p>Owner: Alta Bates Summit Medical Center, a Sutter Health affiliate</p> <p>Case File Number: ER 09-0001, PUD 09-104, DR 09-105</p> <p>Planning Permits Required: Planned Unit Development (Preliminary Development Plan for Master Plan, Final Development Plan for Phase 1); Design Review for Phase 1; Conditional Use Permit for demolition of existing rooming units (Bechtel Hall), zoning variance for off-street parking requirement shortfall</p> <p>General Plan: Institutional</p> <p>Zoning: S-1: Medical Center</p> <p>Historic Status: Although there are buildings considered to be historic resources within the campus, the project as currently proposed would not adversely affect any of these historic resources.</p> <p>Environmental Determination: A Notice of Preparation of a Draft EIR was distributed on March 13, 2009. The Notice of Availability of the Draft EIR was distributed on December 18, and the Draft EIR was published and made available to the public on December 21, 2009. The Draft EIR's 45-day public comment period ended on February 3, 2010. Responses to public comments and the Final EIR will be available prior to May 9, 2010 at least 10 days prior to this hearing.</p> <p>City Council District: 3</p> <p>Date Filed: January 16, 2009</p> <p>Recommendation: Certify the EIR and approve Planning permits listed above</p> <p>Finality of Decision: Appealable to the City Council within 10 days</p> <p>For Further Information: Contact: Scott Gregory, contract planner to the City at 510-535-6690, or by email at sgregory@lamphier-gregory.com</p>
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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: May 5, 2010

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: June 2, 2010