



Oakland City Planning Commission

AGENDA (Online)

Jonathan Fearn, Chair
Sahar Shirazi, Vice-Chair
Clark Manus
Tom Limon
Vince Sugrue
Jennifer Renk
Ron Jones

December 7, 2022

SPECIAL Meeting

BUSINESS MEETING

3:00 PM

Via: Tele-Conference

PURSUANT TO THE CALIFORNIA GOVERNMENT CODE, SECTION 54953(e), ALL MEMBERS OF THE PLANNING COMMISSION, BOARD MEMBERS/COMMISSIONERS, CITY ATTORNEY, AS WELL AS CITY STAFF, WILL PARTICIPATE VIA PHONE/VIDEO CONFERENCE AND NO TELECONFERENCE LOCATIONS ARE REQUIRED.

The following are instructions on how the public may observe and/or participate in the Oakland City Planning Commission meeting:

OBSERVE BY: The public may view the televised video conference by viewing KTOP channel 10 on Xfinity (Comcast) or ATT Channel 99 and locating City of Oakland KTOP – Channel 10 or via the city’s website stream.

You are invited to a Zoom webinar.

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When: Dec 7, 2022 03:00 PM Pacific Time (US and Canada)

Topic: December 7, 2022 Planning Commission Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89373234914>

Or One tap mobile :

US: +16694449171,,89373234914# or +16699006833,,89373234914#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 719 359 4580 or +1 253 215 8782 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free)

Webinar ID: 893 7323 4914

International numbers available: <https://us06web.zoom.us/j/89373234914>

Instructions on how to join a meeting by video conference are available at:
<https://support.zoom.us/hc/en-us/articles/201362193> **Joining-a-Meeting.**



HOW TO COMMENT ON A PUBLIC MEETING:

Public comments will be taken at the time of each eligible Agenda item.

If you are a Zoom video Conference participant

To comment by Zoom video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on an eligible agenda item. You will then be unmuted during your turn and allowed to make public comments. After the allotted time, you will then be re-muted. Instructions on how to “Raise Your Hand” are available at: <https://support.zoom.us/hc/en-us/articles/205566129> – Raise-Hand-In-Webinar.

If you are a phone participant

To comment by phone, please call on one of the above listed phone numbers. You will be prompted to “Raise Your Hand” by pressing “*9” to request to speak when Public Comment is being taken on an eligible agenda Item. You will then be unmuted during your turn and allowed to make public comments. Then, press “*6” to unmute yourself to speak. After the allotted time, you will then be re-muted. Instructions on how to raise your hand by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663> – Joining-a-meeting-by-phone. If you have any questions, please email PSR, Sr. Haneefah Abdur-Rasheed at oaklandplanningcommission@oaklandca.gov.

• IMPORTANT THINGS TO REMEMBER DURING YOUR PUBLIC COMMENT PERIOD

1. **ALL ATTENDEES SHALL BE MUTED UPON ENTRY**
2. Please do not raise your hand if the item currently being heard is not the item you wish to speak on. We will call for public testimony on each item individually. When the item you’re interested in is called and public speakers are invited to raise their hands, raise yours then and we will call them all in the order they’re raised.
3. You may of course speak on multiple items but your comments during each item must address the item currently under discussion. Speakers attempting to speak about items other than the item currently under consideration will be muted and asked to wait for the item they’re here to speak about to be called.

HOW TO ADDRESS THE PLANNING COMMISSION

- Please work with the case planner listed for each item 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 are available online, generally by 5:00 p.m. the Friday before the meeting, at www.oaklandca.gov (under “Planning Commission.”) You will need to ensure that your computer will accept pop-ups from the host site (oaklandca.gov) and that your computer has a later version of Adobe Acrobat Reader installed. For further information, please email PSR, Sr. Haneefah Abdur-Rasheed at oaklandplanningcommission@oaklandca.gov.
- If you challenge a Commission decision in court, you will be limited to issues raised at the hearing or in correspondence delivered to the Planning and Building Department, 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. If you wish to be notified of the decision of any of these cases, please provide the case planner with a regular mail or email address.
- 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.
- 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 directly to the Planning Commission and/or Case Planner. Email addresses for the Commissioners can be found on the Planning Commission page on the City of Oakland website: <https://www.oaklandca.gov/teams/planning-commissioners>. An agenda item Case Planner email address can be found on the item overview within the Agenda.



MEETING CALL TO ORDER

WELCOME BY THE CHAIR

ROLL CALL

SECRETARY RULES OF CONDUCT

COMMISSION BUSINESS

- Agenda Discussion
- Director’s Report
- Informational Reports
- Committee Reports
- Commission Matters
- 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. At the discretion of the Chair, speakers are generally limited to two minutes or less if there are six (6) or less speakers on an item, and one minute or less if there are more than six (6) 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 and recommendation 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	Location:	Citywide
	Assessor’s Parcel Number:	N/A
	Proposal:	Renew The Adoption of a Resolution Determining that Conducting In-Person Meetings of the Planning Commission And Its Committees Would Present Imminent Risks to Attendees’ Health, And Electing to Continue Conducting Meetings Using Teleconferencing In Accordance With City Planning Commission Resolution, dated October 6, 2021, to Allow Continuation of Planning Commission Meetings.



Applicant:	Catherine Payne, Secretary to the Planning Commission
Phone Number:	(510) 915-0577
Owner:	NA
Case File Number:	NA
Planning Permits Required:	Renew the adoption of Resolution Pursuant to AB-361
General Plan:	NA
Zoning:	NA
Environmental Determination:	Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (Common Sense Exemption).
Historic Status:	NA
City Council District:	NA
Status:	NA
Staff Recommendation:	Receive public testimony and consider renewing the adoption of Resolution.
Finality of Decision:	Decision Final.
For further information:	Contact case planner Catherine Payne at (510) 915-0577 or by e-mail at cpayne@oaklandca.gov

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 Planning and Building Department, 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 for decision 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 for decision and, as applicable, conditions of approval that the Commission will consider in making a final decision.

#2	Location:	2550 Telegraph Ave., Oakland, CA; APN: 009068302401
	Proposal:	To establish a non-profit comedy club with a type 64 alcohol license in an existing 3,800 square-foot, ground floor commercial space. Type 64 licenses allow on-site sales of alcohol by non-profit theatre companies.
	Applicant:	Colleen Breen
	Phone Number:	773-791-0300
	Owner:	471 26th Street Apartments Investors LLC
	Case File Number:	PLN22090
	Planning Permits Required:	Major Conditional Use Permit (CUP) for Sale of Alcoholic Beverages and Minor CUP for Group Assembly Commercial Activities.
	General Plan:	Community Commercial
	Zoning:	CC-2
	Environmental Determination:	15301-Existing Facilities; 15183-Projects Consistent with a Community Plan or Zoning
	Historic Status:	Area of Secondary Importance (Upper Telegraph Avenue)
	City Council district	3
	Status:	Decision based on staff report
	Staff Recommendation	Approve with conditions



Finality of Decision:	Decision is appealable to the City Council.
For further information:	Contact Case Planner Kubilay Aaron İnanlı at (510) 238-2074 or by email at kinanli@oaklandca.gov .

#3	Location:	359 105th Avenue
	Assessor's Parcel Number:	045 537000902
	Proposal:	Demolish, rebuild, and operate three greenhouses and construct new aquaponics and cold storage buildings to grow organic produce. The proposal includes youth and adult job training and placement services.
	Applicant:	Bob Theis
	Phone Number:	(510)235-0616
	Owner:	Planting Justice
	Case File Number:	PLN22175
	Planning Permits Required:	Conditional Use Permit (CUP) for Limited Agricultural Activities. The CUP is major because it covers more than an acre; Regular Design Review for the construction of new buildings. The Regular Design Review is considered Major because the project involves the construction of more than 25,000 square feet of nonresidential floor area; Minor Variances for construction within the 20-foot rear setback area, providing less than the required number of parking spaces, and lot coverage.
	General Plan:	Detached Unit Residential
	Zoning:	Detached Unit Residential – 1 (RD-1)
	Environmental Determination:	Exempt per CEQA Guidelines Sections 15332: Infill Development; and 15183 – Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	The site is within an Area of Secondary Importance (105th Avenue Mixed 2) and has an Oakland Culture Heritage Survey rating of D2+.
	City Council district:	7
	Status:	Pending
	Staff Recommendation:	Approve the project subject to Conditions of Approval
	Finality of Decision:	Appealable to City Council
	For further information:	Contact case Planner Neil Gray at (510) 238-3878 or by email: ngray@oaklandca.gov

#4	Location:	1031 62 nd Street
	Assessor's Parcel Number:	016 144205000
	Proposal:	Demolition of two accessory structures and construction of ten dwelling units on a site with an existing duplex and two accessory dwelling units previously approved under a separate permit. The proposal would use the State Affordable Housing Density Bonus and include one very-low-income unit, a concession for open space, and waivers for lot coverage, height, and parking
	Applicant:	Nathaniel Klein
	Phone Number:	(847) 337-1849
	Owner:	Nathaniel Klein and Lu Huang
	Case File Number:	PLN21053



Planning Permits Required:	Regular Design Review for construction of dwelling units; Major Conditional Use Permit for seven or more dwelling units in the RM-3 Zone
General Plan:	Mixed Housing Type Residential
Zoning:	RM-3
Environmental Determination:	Exempt per CEQA Guidelines Sections 15332-Infill Development; and 15183-Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Non-Historic Property
City Council district:	1
Status:	Pending
Staff Recommendation:	Approval subject to the attached Conditions
Finality of Decision:	Appealable to City Council within 10 Days
For further information:	Contact Case Planner Gregory Qwan at (510) 238-2958 or by email at gqwan@oaklandca.gov

If you wish to be notified on the decision of an agenda item, please contact the case planner for the specific agenda item.

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 Planning and Building Department, at, or prior to, to the public hearing; provided, however, such issues were previously raised in the appeal itself.

Following the testimony, the Commission will vote on the staff report and recommendation. If the Commission reverses/overturns the staff decision and no alternate findings for decisions 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 for decision 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.

COMMISSION BUSINESS

- Approval of Minutes November 16, 2022
- Correspondence
- City Council Actions

ADJOURNMENT By **7:30 P.M.** unless a later time is agreed upon by a majority of Commissioners present.



A handwritten signature in black ink, appearing to read 'Catherine Payne'.

CATHERINE PAYNE
Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: December 21, 2022