



Oakland City Planning Commission

AGENDA (Online)

Tom Limon, Chair
Clark Manus, Vice-Chair
Amanda Monchamp
Jonathan Fearn
Nischit Hegde
Leopold Ray-Lynch
Sahar Shirazi

December 16, 2020

SPECIAL Meeting

BUSINESS MEETING

3:00 PM

Via: Tele-Conference

PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER 4-29-20, ALL MEMBERS OF THE PLANNING COMMISSION, CITY ATTORNEY AND PLANNING BUREAU PERSONNEL WILL JOIN THE MEETING 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.

To observe the meeting by video conference, please click on this link:

You are invited to a Zoom webinar.

When: Dec 16, 2020 03:00 PM Pacific Time (US and Canada)

Topic: December 16, 2020 Planning Commission Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/94574424183>

Or iPhone one-tap :

US: +16699006833,,94574424183# or +14086380968,,94574424183#

Or Telephone:

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

US: +1 669 900 6833 or +1 408 638 0968 or +1 346 248 7799 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923

Webinar ID: 945 7442 4183

International numbers available: <https://zoom.us/u/ab8o3LBGbX>

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 in order 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 Desmona R. Armstrong at Drarmstrong@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 Desmona Armstrong at Drarmstrong@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.
- Applicants or members of the public that plan to make electronic presentations (e.g., PowerPoint presentations): Please contact Desmona Armstrong at Drarmstrong@oaklandca.gov at least **48 hours** prior to the meeting. We are unable to accommodate late material, at this time.
- 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, comments must be provided to the case planner electronically at least 24 hours prior to the meeting being started.



MEETING CALL TO ORDER

WELCOME BY THE CHAIR

ROLL CALL

SECRETARY RULES OF CONDUCT

COMMISSION BUSINESS

- Agenda Discussion
- Director’s Report
- Informational Reports Mosswood Community Center Master Plan Presentation
<https://www.oaklandca.gov/projects/mosswood-community-center>
- Committee Reports
- Commission Matters Introduction of 2021 Planning and Committee Calendar
- 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:	5110 Telegraph Avenue (bounded by 51 st St to the south, Clarke St to the east and Claremont Ave to the north).
	Assessor’s Parcel Number:	014 122601500
	Proposal:	To establish an alcohol sales activity (Type-21 for off-site consumption and Type-86 for on-site instructional tasting within the approved Whole Foods Market located in Retail spaces #1 and #4. <i>(Note: this application was previously scheduled for the November 4, 2020 Planning Commission meeting, but the applicant requested continuance to a later meeting)</i>



Applicant:	City Shapers Inc, Dwane Kennedy
Phone Number:	(415) 401-9300
Owner:	Telegraph 2 NEUN
Case File Number:	PLN18531 (related to PLN15074 and DET200045)
Planning Permits Required:	Major Conditional Use Permit for an Alcohol Beverage Sales Commercial Activity in the CN-2 Zone.
General Plan:	Neighborhood Center
Zoning:	CN-2 Zone
Environmental Determination:	In 2016, a detailed CEQA (California Environmental Quality Act) Analysis (see link below) was prepared for a mixed-use residential and commercial development, and concluded that the development satisfied each of the following CEQA Guidelines: Sections 15332-Class 32, 15300.2-Infill Projects, 15183-3-Streamlining for Infill Projects and 15183-Projects Consistent with a Community Plan, General Plan or Zoning. Since the newly constructed building is considered an existing facility, CEQA Guidelines Section 15301 would apply. Section 15301 allows the operation and minor alterations of existing private facilities. Therefore, the project is also exempt from CEQA. http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak058467.pdf
Historic Status:	Non-Historic Property
City Council district	1
Status:	Pending
Staff Recommendation	Decision based on staff report
Finality of Decision:	Appealable to the City Council within 10 days
For further information:	Contact Case Planner, Mike Rivera at (510) 238-6417, or by email at mrivera@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.

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

2.	Location:	Citywide
	Proposal	The Bureau of Planning is proposing to modify the California Environmental Quality Act (CEQA) Thresholds of Significance Guidelines for the City of



	Oakland. This modification involves a change to the greenhouse (GHG) emissions Threshold to be consistent with the newly adopted 2030 Equitable Climate Action Plan (ECAP) as well as the state’s CEQA Guidelines by the Governor’s Office of Planning and Research. This proposal also includes implementation of the ECAP Consistency Checklist for determining compliance with the Threshold and the supporting GHG Standard Conditions of Approval.
Applicant:	City of Oakland
Environmental Determination	The proposal to update the City’s CEQA Thresholds of Significance Guidelines, pursuant to CEQA Guidelines Section 15064.7, implements the ECAP, and all the proposed actions are exempt from CEQA review pursuant to 14 California Code of Regulations Section 15308 and because the actions establish environmentally protective policies that will allow the City to achieve GHG emissions reductions greater than required by the State.
Status:	Pending
Actions to be Taken:	Receive public comments and Planning Commission comments. Planning Commission action based on staff report.
Staff Recommendation:	Staff recommends the Planning Commission: (a) affirm Staff’s CEQA exemption determination and findings for the adoption of the CEQA Threshold of Significance for GHG emissions, and for the use of the GHG Conditions and ECAP Consistency Checklist and any future amendments thereto that Staff determines are consistent with the ECAP; and (b) adopt as regulation subject, to the ECAP and substantial evidence in the staff report, the City of Oakland CEQA Thresholds of Significance Guidelines the GHG Conditions, and the ECAP Consistency Checklist, as such may be administratively amended from time to time consistent with the adopted ECAP.
Finality of Decision:	Final decision. Not appealable.
For Further Information:	Contact project planner Heather Klein at (510) 238-3659 or hklein@oaklandca.gov

3. Location:	City-owned parcels and the areas within 30 feet of the edge of roadsides located within the City’s Very High Fire Severity Zone (VHFHSZ) as designated by CAL FIRE, and also defined in Section 4904.3 of the Oakland Fire Code (Oakland Municipal Code Chapter 15.12). The Plan area includes: 422 City-owned parcels, ranging in size from <0.1 acres to 235 acres and totaling 1,924.9 acres; and roadside areas along 308 miles of roadway within the City’s VHFHSZ, which includes surface and arterial streets, State Routes 13 and 24, and Interstate 580. The parks, recreational and open space areas discussed in the Oakland Vegetation Management Plan are as follows: Beaconsfield Canyon, Garber Park, Dimond Canyon Park, Shepherd Canyon Park, Leona Heights Park, North Oakland Regional Sports Complex, Grizzly Peak Open Space, City Stables, Sheffield Village Open Space, Knowland Park and Arboretum, Joaquin Miller Park, Tunnel Road Open Space, and Sulfur Springs Park.
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Proposal:	Conduct a public hearing and solicit/provide comments on the Draft Oakland Vegetation Management Plan (VMP or Plan) and its Draft Environmental Impact Report (DEIR).
Applicant:	City of Oakland
Case File Number:	ER20011
General Plan:	<u>Open Space, Conservation and Recreation (OSCAR) Element</u> Urban Park; Resource Conservation Area <u>Land Use and Transportation Element (LUTE)</u> Local Streets; Collector Streets; Arterial Streets; and Freeways
Zoning:	OS (LP), OS (NP), OS (RSP), OS (RCA), OS (AF), OS (AMP), OS (SU)
Environmental Determination:	The Draft EIR for the Oakland Vegetation Management Plan was published (SCH Number 2019110002) on November 24, 2020. The 45-day public review/comment period began on November 24, 2020 and will end on January 7, 2021 at 5:00 PM.
Historic Status:	9 Landmarks; 1 Area of Primary Importance (API); 18 Areas of Secondary Importance (ASI)
City Council District:	1, 4, 6, and 7
Status	The Draft VMP was released on November 1, 2019. A scoping session for the DEIR was conducted by the Planning Commission on November 20, 2019. The VMP was recently presented to the Planning Commission on December 2, 2020. The City of Oakland is soliciting comments on both the Draft VMP and DEIR during a 45-day comment period that begins on November 24, 2020 and ends on January 7, 2021 at 5:00 PM.
Action to be Taken:	Receive public and Planning Commission comments on the Draft VMP and Draft EIR. No decisions will be made on the project at this hearing.
For Further Information:	Contact Angela Robinson Piñon at (510) 238-3707 or by email at arobinsonpinon@oaklandca.gov . Project website: www.oaklandca.gov/projects/oakland-vegetation-management-plan

4.	Location:	2011-2195 Wood Street (Development Area 8) A 2.54-Acre city block bounded by Wood Street, 20th Street, West Grand Avenue, and Frontage Road
	Proposal:	1. Reconsideration/Modification of VTPM8555 Condition of Approval #82 requiring public Improvements for previously-approved new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases; and 2. Parking Variance to relocate 218 required parking spaces to adjacent off-site locations.
	Applicant:	Holiday Development - Mark Trainer
	Phone Number:	(510)588-5136
	Owner:	Central Station Land, LLC
	Case File Number:	PLN14-262-PUDF01-R02
	Planning Permits Required:	1.) Reconsideration/Modification of VTPM8555 Condition of Approval #82 requiring public Improvements for previously-approved new mixed-use (residential/commercial) development involving 235 residential units and 13,615 flex commercial spaces to be completed in two phases; and 2.) Minor Variance to relocate 218 required parking spaces to adjacent off-site locations
	General Plan:	Urban Residential



Zoning:	D-WS - Wood Street Zoning District
Environmental Determination:	State CEQA Guidelines: Pursuant to Section 15162, the project relies on previous EIR (ER03-0023) for Wood Street certified on March 16, 2005 and the West Oakland Specific Plan EIR certified on July 29, 2014 and Section 15183, projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a Potential Designated Historic Property (PDHP); Survey Rating: N/A
City Council district	3
Status:	Planning Commission approval on December 3, 2014. Entitlements extended through December 3, 2020
Staff Recommendation	Decision on application based on staff report
Finality of Decision:	Appealable to City Council within 10 days
For further information:	Contact case planner Maurice Brenyah-Addow at (510) 238-6342 or by email at mbrenyah@oaklandnet.com

5. Location:	98th and San Leandro (921 98th Ave), APN 044 508018000, 044 508017900
Proposal:	Preliminary Development Plan (PDP) with 10 new parcels (Vesting Tentative Tract Map 8492), 270 apartment units, 7 live/work units, 122 townhomes (for a total of 399 residential units), 9 work/live units, and 2,468 sf ground floor retail. The project includes new streets and community open space. Final Development Plan (FDP) for Master Street and Open Space Improvements, including final designs for new streets and open spaces.
Applicant:	Fleischmann Property, LLC
Phone Number:	Claire Han, 510-452-2944
Owner:	Fleischmann Property, LLC
Case File Number:	PLN18523, PLN18523-PUDF02
Planning Permits Required:	Preliminary Development Plan, Variance for work/live units, Final Development Plan for Master Street and Open Space Improvements, Design Review, Vesting Tentative Tract Map, compliance with CEQA
General Plan:	Housing and Business Mix
Zoning:	HBX-1
Environmental Determination:	The project qualifies for an Addendum to the Arcadia Park EIR, an Eligible Infill Exemption, and a Community Plan Exemption (under the LUTE EIR), and no additional environmental review is required under CEQA Guidelines Sections 15162, 15164, 15168, 15183, and 15183.3
Historic Status:	Non-Historic Property
City Council district	CCD7, Larry Reid
Status:	Pending
Staff Recommendation	Staff recommends approval of: <ul style="list-style-type: none"> • Preliminary Development Plan for Planned Unit Development with Minor Variance and Vesting Tentative Tract Map • Final Development Plan for Master Street and Open Space Improvements Based on the attached findings and conditions of approval
Finality of Decision:	Appealable to City Council
For further information:	Contact case planner Dara O'Byrne at 510-238-6983 or by e-mail at dobyrne@oaklandca.gov



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 18, 2020 and August 19, 2020

November 4, 2020 *Moved from December 2, 2020 agenda due to lack of quorum for approval
- Correspondence
- City Council Actions

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

CATHERINE PAYNE
Acting Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: January 13, 2021