



Oakland City Planning Commission

AGENDA (Online)

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

February 3, 2021

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.

You are invited to a Zoom webinar.

When: Feb 3, 2021 03:00 PM Pacific Time (US and Canada)

Topic: February 3, 2021 Planning Commission Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/98550508912>

Or iPhone one-tap :

US: +14086380968,,98550508912# or +16699006833,,98550508912#

Or Telephone:

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

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

Webinar ID: 985 5050 8912

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

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
- 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.

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.

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/overturms 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.

1.	Location:	6501 Shattuck Avenue
	Assessor’s Parcel Number:	016 142801102
	Proposal:	Two Appeals of the Zoning Manager’s Approvals: 1) to construct a 4-story mixed-use building with commercial space and parking on the ground floor and 18 residential units above; and 2) for two additional required permits for a Multifamily Dwelling Residential Facility and more than 20% of the required group open space on the roof which were not included on the previous public notice or original Decision Letter.
	Applicant:	Moshe Dinar (510)759-2133
	Owner:	Bruder, LLC
	Appellant:	Appellant 1) Chris Hall Appellant 2) Caitlin Stuart
	Case File Number:	APL19003 and APL20010
	Original Case File Number:	CDV10185



Planning Permits Required:	Interim Conditional Use Permit for a density of 18 residential units where the General Plan allows for 31 units and the zoning only allows for 5 units; Minor Conditional Use Permit for a Multifamily Dwelling Residential Facility and parking to be setback less than 75 feet from the front property line, Regular Design Review for new construction; and Minor Variances to allow a 13-foot high garage podium structure to project 7 feet into the required 15-foot rear yard and for more than 20% of the group open space on the roof.
General Plan:	Neighborhood Center Mixed Use
Zoning:	Neighborhood Commercial - 3 Zone (CN-3 Zone) Zone was adopted by Ordinance (13064 C.M.S.) on March 15, 2011 and became effective thirty-days later on April 14, 2011. <i>The previous zoning was the C-10 Local Retail Commercial Zone. This application was submitted and deemed complete prior to the zoning change that became effective on April 14, 2011. As such, the application was processed and approved under the property's previous C-10 zoning designation.</i>
Environmental Determination:	Exempt pursuant to the following sections of the State CEQA Guidelines: Section 15183.3: Streamlining for Infill Projects and Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning. A CEQA Analysis supporting the Exemptions were prepared and published on September 7, 2018. The analysis can be found on the City's Environmental Review Documents webpage via the following link: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2020
Historic Status:	OCHS Rating: Dc3
City Council District:	1
Status:	The original Zoning Decision Letter was mailed on January 18, 2019, and the Project was appealed by Chris Hall (Appellant 1) on January 28, 2019. The Zoning Decision Letter related to the two additional required permits was emailed on August 5, 2020, and the permits were appealed by Caitlin Stuart (Appellant 2) on August 17, 2020.
Staff Recommendation:	Deny the Appeals and uphold the Zoning Manager's Decisions.
Finality of Decision:	The decision of the Planning Commission is final immediately pursuant to Planning Code Sections 17.134.060, 17.136.080, and 17.148.060.
For Further Information:	Contact case Planner Heather Klein at (510) 238-3659 or hklein@oaklandca.gov



COMMISSION BUSINESS

- Approval of Minutes December 2, 2020 * Continued from January 20, 2021 PC
August 21, 2019
- 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: February 17, 2021