



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

**July 20, 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.**

When: Jul 20, 2022 03:00 PM Pacific Time (US and Canada)

**Please click the link below to join the webinar:**

<https://us06web.zoom.us/j/89708703918>

**Or One tap mobile:**

US: +14086380968,,89708703918# or +16699006833,,89708703918#

**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 +1 301 715 8592 or +1 312 626 6799 or +1 646 876 9923 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: 897 0870 3918**

International numbers available: <https://us06web.zoom.us/u/kdtYJjrSLG>

**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 Deb French at [DFrench@oaklandca.gov](mailto:DFrench@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](http://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 Deb French at [DFrench@oaklandca.gov](mailto:DFrench@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	<b>Location:</b>	Citywide
	<b>Assessor’s Parcel Number:</b>	N/A
	<b>Proposal:</b>	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.



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

**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.

<b>#2</b>	<b>Location:</b>	1031 62 <sup>nd</sup> Street
	<b>Assessor’s Parcel Number:</b>	016 144205000
	<b>Proposal:</b>	Demolition of two accessory structures and construction of nine 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 and waivers for lot coverage, height, and parking
	<b>Applicant:</b>	Nathaniel Klein
	<b>Phone Number:</b>	(847) 337-1849
	<b>Owner:</b>	Nathaniel Klein and Lu Huang
	<b>Case File Number:</b>	PLN21053
	<b>Planning Permits Required:</b>	Regular Design Review for construction of dwelling units; Major Conditional Use Permit for seven or more dwelling units in the RM-3 Zone
	<b>General Plan:</b>	Mixed Housing Type Residential
	<b>Zoning:</b>	RM-3
	<b>Environmental Determination:</b>	Exempt per CEQA Guidelines Sections 15332-Infill Development; and 15183-Projects Consistent with a Community Plan, General Plan, or Zoning



<b>Historic Status:</b>	Non-Historic Property
<b>City Council district:</b>	1
<b>Status:</b>	Pending
<b>Staff Recommendation:</b>	Approval subject to the attached Conditions
<b>Finality of Decision:</b>	Appealable to City Council within 10 Days
<b>For further information:</b>	Contact Case Planner <b>Gregory Qwan</b> at (510) 238-2958 or by email at <a href="mailto:gqwan@oaklandca.gov">gqwan@oaklandca.gov</a>

<b>#3</b>	<b>Location:</b>	525 12th Street
	<b>Assessor's Parcel Number:</b>	APNs 002 009703900, 002 009704000, and 002 009703800
	<b>Proposal:</b>	Construction of the new main campus of Samuel Merritt University (SMU), a ten (10) story, 237,629 square foot building on the parcels also known as Lot 2 of the T5/T6 City Center mixed-use development site. The proposal includes a Tree Removal Application to remove 10 protected trees.
	<b>Applicant:</b>	William Goodman
	<b>Phone Number:</b>	(314) 276-0707
	<b>Owner:</b>	STRADA
	<b>Case File Number:</b>	PLN21249, PLN21249-ER01, T2100189
	<b>Planning Permits Required:</b>	Major Conditional Use Permit (CUP) for an Extensive Impact Civic Activity; Minor Variances for Tower Elevation Length and Diagonal Length; Regular Design Review for a new non-residential facility over 25,000 square feet in size; Tree Protection Permit to remove 10 protected trees located within the subject vacant property; Compliance with CEQA.
	<b>General Plan:</b>	Central Business District (CBD)
	<b>Zoning:</b>	CBD-C Central Business District General Commercial Zone
	<b>Environmental Determination:</b>	A detailed CEQA Analysis was prepared which concluded that the project qualifies for streamlined environmental review under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning), Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 (Subsequent EIRs, Supplements and Addenda to an EIR or Negative Declaration), and that no further environmental review is required beyond the addendum; The CEQA Addendum prepared for the project can be found at the following website: <a href="https://www.oaklandca.gov/documents/city-center-t56-samuel-merritt-university-project-addendum">https://www.oaklandca.gov/documents/city-center-t56-samuel-merritt-university-project-addendum</a> .
	<b>Historic Status:</b>	Non-Historic Property
	<b>City Council district:</b>	3
	<b>Status:</b>	Pending
	<b>Staff Recommendation:</b>	Approval subject to the attached conditions
	<b>Finality of Decision:</b>	Appealable to City Council within 10 days
	<b>For further information:</b>	Contact case planner <b>Michele T. Morris</b> at (510) 238-2235 or email <a href="mailto:mmorris2@oaklandca.gov">mmorris2@oaklandca.gov</a>



<b>#4</b>	<b>Location:</b>	<b>Lake Merritt Bart (51-9<sup>th</sup> Street)</b>
	<b>Assessor's Parcel Number:</b>	001 016900100
	<b>Proposal:</b>	The proposed project is a Final Development Permit (FDP) application for Lake Merritt Bart Phase One, Building B, part of the previously approved Planned Unit Development (PUD) for Lake Merritt Bart, located at <b>51-9<sup>th</sup> Street</b> (APN 001 016900100). The Lake Merritt Bart PUD was approved on May 19, 2021. The PUD's conditions of approval specify two Phases. Phase One of the PUD includes three FDPs: the FDP for all horizontal improvements, the FDP for Building A, and the FDP for Building B. This is the second FDP application for the development at Lake Merritt Bart. This is the FDP for Building B; the proposal is for construction of a 97-foot, 4-inch-tall building with up to 97 residential units, 3,235 square feet of ground-floor commercial space, and related ancillary uses.
	<b>Applicant:</b>	East Bay Asian Local Development Corporation (EBALDC), James Perez
	<b>Phone Number:</b>	(510) 512-2444
	<b>Owner:</b>	San Francisco Bay Area Rapid Transit District (BART)
	<b>Case File Number:</b>	PLN20108-PUDF01
	<b>Planning Permits Required:</b>	FDP, compliance with CEQA.
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	Lake Merritt Station Area District Pedestrian - 2 Commercial Zone (D-LM-2)
	<b>Environmental Determination:</b>	This FDP relies on the Lake Merritt Station Area Plan Environmental Impact Report (EIR), certified on July 28, 2014, and is entirely within the scope of, and was contemplated in, the CEQA Analysis for the Lake Merritt Bart PUD. The Lake Merritt Station Area Plan EIR can be reviewed at: <a href="https://cao-94612.s3.amazonaws.com/documents/Final-Environmental-Impact-Report-FEIR-July-28-2014.pdf">https://cao-94612.s3.amazonaws.com/documents/Final-Environmental-Impact-Report-FEIR-July-28-2014.pdf</a> The Lake Merritt Bart PUD CEQA Analysis can be reviewed at: <a href="https://cao-94612.s3.amazonaws.com/documents/LMBART-CEQA-Checklist-Addendum_Final_signed-1.pdf">https://cao-94612.s3.amazonaws.com/documents/LMBART-CEQA-Checklist-Addendum_Final_signed-1.pdf</a> . Since it was contemplated in the previous Lake Merritt Bart PUD CEQA Analysis, the project meets all requirements under CEQA Guidelines Sections 15164, 15183, and 15168. As a result, no supplemental environmental review is required in accordance with Public Resources Code Section 21083.3 and Section 21166, and CEQA Guidelines Sections 15162 through 15164, as well as 15168.
	<b>Historic Status:</b>	n/a
	<b>City Council District:</b>	2 – Nikki Fortunato Bas
	<b>Status:</b>	Under Review
	<b>Staff Recommendation:</b>	Approval of FDP subject to Project Conditions of Approval.
	<b>Finality of Decision:</b>	Appealable to City Council within ten (10) days
	<b>For further information:</b>	Contact Case Planner <b>Karen August</b> by email at <a href="mailto:kaugust@oaklandca.gov">kaugust@oaklandca.gov</a> .



<b>#5</b>	<b>Location:</b>	<b>Lake Merritt Bart (51-9th Street &amp; 107-8TH ST)</b>
	<b>Accessor’s Parcel Number:</b>	001 016900100 & 001 017100200
	<b>Proposal:</b>	The proposed project is a Final Development Permit (FDP) application for Lake Merritt Bart Phase One, Horizontal improvements, part of the previously approved Planned Unit Development (PUD) for Lake Merritt Bart, located at <b>51-9<sup>th</sup> Street</b> (APN 001 016900100). The Lake Merritt Bart PUD was approved on May 19, 2021. The PUD’s conditions of approval specify two Phases. Phase One of the PUD includes three FDPs: the FDP for horizontal improvements, the FDP for Building A, and the FDP for Building B. This is the first FDP application for the development at Lake Merritt Bart. The first FDP includes all horizontal improvements on two City Blocks. Block One is the City block bounded by 9 <sup>th</sup> Street, Fallon Street, 8 <sup>th</sup> Street, and Oak Street; inclusive of the adjacent public right-of-way. Block Two is the City block bounded by 8 <sup>th</sup> Street, Oak Street, 7 <sup>th</sup> Street, and Madison Street; inclusive of the adjacent public right-of-way.
	<b>Applicant:</b>	East Bay Asian Local Development Corporation (EBALDC), James Perez
	<b>Phone Number:</b>	(510) 512-2444
	<b>Owner:</b>	San Francisco Bay Area Rapid Transit District (BART)
	<b>Case File Number:</b>	PLN20108-PUDF02
	<b>Planning Permits Required:</b>	FDP, compliance with CEQA.
	<b>General Plan:</b>	Central Business District
	<b>Zoning:</b>	Lake Merritt Station Area District Pedestrian - 2 Commercial Zone (D-LM-2)
	<b>Environmental Determination:</b>	This FDP relies on the Lake Merritt Station Area Plan Environmental Impact Report (EIR), certified on July 28, 2014, and is entirely within the scope of, and was contemplated in, the CEQA Analysis for the Lake Merritt Bart PUD. The Lake Merritt Station Area Plan EIR can be reviewed at: <a href="https://cao-94612.s3.amazonaws.com/documents/Final-Environmental-Impact-Report-FEIR-July-28-2014.pdf">https://cao-94612.s3.amazonaws.com/documents/Final-Environmental-Impact-Report-FEIR-July-28-2014.pdf</a> The Lake Merritt Bart PUD CEQA Analysis can be reviewed at: <a href="https://cao-94612.s3.amazonaws.com/documents/LMBART-CEQA-Checklist-Addendum_Final_signed-1.pdf">https://cao-94612.s3.amazonaws.com/documents/LMBART-CEQA-Checklist-Addendum_Final_signed-1.pdf</a> . Since it was contemplated in the previous Lake Merritt Bart PUD CEQA Analysis, the project meets all requirements under CEQA Guidelines Sections 15164, 15183, and 15168. As a result, no supplemental environmental review is required in accordance with Public Resources Code Section 21083.3 and Section 21166, and CEQA Guidelines Sections 15162 through 15164, as well as 15168.
	<b>Historic Status:</b>	n/a
	<b>City Council District:</b>	2 – Nikki Fortunato Bas
	<b>Status:</b>	Under Review
	<b>Staff Recommendation:</b>	Approval of FDP subject to project Conditions of Approval.
	<b>Finality of Decision:</b>	Appealable to City Council within ten (10) days
	<b>For further information:</b>	Contact case planner <b>Karen August</b> by email at <a href="mailto:kaugust@oaklandca.gov">kaugust@oaklandca.gov</a> .

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 June 15, 2022
- 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**  
Development Planning Manager  
Planning and Building Department

**NEXT SPECIAL MEETING:**

August 3, 2022