



Oakland City Planning Commission

AGENDA (Online)

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

March 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: Mar 3, 2021 03:00 PM Pacific Time (US and Canada)

Topic: March 3, 2021 Planning Commission Meeting

Please click the link below to join the webinar:

<https://zoom.us/j/95526936887>

Or iPhone one-tap :

US: +16699006833,,95526936887# or +14086380968,,95526936887#

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 +1 312 626 6799 or +1 646 876 9923 or +1 301 715 8592

Webinar ID: 955 2693 6887

International numbers available: <https://zoom.us/u/acTn8pFOeA>

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.
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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.

1.	Location:	1396 5th Street (APN: 004-0069-004-00)
	Proposal:	Construct an eight story residential building containing 222 dwelling units. The proposal would use the State Affordable Housing Density Bonus and will include 16 units designated as very-low income, and includes the use of a concession for the minimum required parking and development waivers for open space requirements.
	Applicant:	Scott Cooper / The Michaels Organization
	Phone Number:	(310) 709-1887
	Owner:	Oakland Housing Investors LP
	Case File Number:	PLN20-101
	Planning Permits Required:	Regular Design Review for new construction, Minor Conditional Use Permit for driveway location, and Major Conditional Use Permit for a development project in excess of 100,000 square feet in the S-15 Zone. Tentative Parcel Map to merge the existing lots into one lot.
	General Plan:	Community Commercial
	Zoning:	S-15(W)
	Environmental Determination:	A detailed CEQA Analysis was prepared for this project which concluded that the proposed project satisfies each of the following CEQA provisions: 15182 – Specific Plan exemption; 15183 - Projects consistent with a community plan, general plan, or zoning; 15183.3 – Qualified In-fill projects; and 15164 – Addendum to the 2014 certified West Oakland Specific Plan EIR; Each of the CEQA provisions provides a separate and independent basis for CEQA compliance. The CEQA Analysis may be reviewed on the City website at: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2020
	Historic Status:	Not a historic property
	City Council district	3
	Staff Recommendation	Approve the project subject to Conditions of Approval



Finality of Decision:	Appealable to City Council
For further information:	Contact Case Planner Pete Vollmann at (510)238-6167 or by email at pvollmann@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.

2.	Location:	2783 E. 12 th Street (APNs: 025 069700714, 025 069700715, 025 069700204, 025 069700306)
	Proposal:	Appeal of an Administrative Determination to reject an Appeal based upon insufficient payment by the Appeal deadline.
	Appellant:	Randall Whitney
	Phone Number:	(925) 298-5929
	Owner:	Doolittle Williams, LLC
	Case File Number:	DET200076-A01-A01
	Planning Permits Required:	Appeal of an Administrative Determination
	General Plan:	Mixed Housing Type Residential
	Zoning:	M-30
	Environmental Determination:	N/A
	Historic Status:	Non-Historic Property
	City Council district	5
	Staff Recommendation	Deny the Appeal and uphold determination that Appeal was not timely filed.
	Finality of Decision:	Final Decision
	For further information:	Contact case Planner Gregory Qwan at (510) 238-2958 or gqwan@oaklandca.gov



3.	Location:	584 14 th Street
	Proposal:	Appeal of Zoning Manager’s Determination filed under DET190031, a status determination on the applicability of Oakland Planning Code Chapter 17.153, demolition, conversion and rehabilitation regulations for residential hotels.
	Appellants:	Zacks, Freedman, & Patterson, PC
	Phone Number:	(415) 956-8100
	Owner:	584 14TH Street LLC
	Case File Number:	DET190031-A01
	Planning Permits Required:	Initial Usage Report required if the Zoning Manager’s Determination is Upheld
	General Plan:	Central Business District
	Zoning:	CBD-P
	Environmental Determination:	The determination is not considered a project as defined by Section 15378 of the State CEQA guidelines, and therefore does not require CEQA review.
	Historic Status:	Local Register, API: Downtown, OCHS Rating: B*1+
	City Council district	3
	Staff Recommendation:	Deny the appeal, thereby upholding the Zoning Manager’s Determination to deny the Residential Hotel Statement of Exemption Application, based on the findings included as Exhibit C to the March 3, 2021 Supplemental Staff Report and the evidence cited therein, and the findings and evidence in the Zoning Manger’s Determination, the Staff Report, the Supplemental Staff Reports from October 21, 2020 and March 3, 2021, and the accompanying attachments.
	Finality of Decision:	Final Decision, Not Administratively Appealable per Planning Code Section 17.132.030
	For further information:	Contact Case Planner, Brittany Lenoir at (510) 238-4977 or blenoir@oaklandca.gov .

COMMISSION BUSINESS

- Approval of Minutes December 4, 2019
 February 3, 2021
- 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
Acting Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING:

March 17, 2021