



Oakland City Planning Commission

AGENDA (Online)

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

November 4, 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: Nov 4, 2020 03:00 PM Pacific Time (US and Canada)

Topic: November 4, 2020

Please click the link below to join the webinar:

<https://zoom.us/j/99704477578>

Or iPhone one-tap :

US: +14086380968,,99704477578# or +16699006833,,99704477578#

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: 997 0447 7578

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

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.

1.	Location:	2500-2520 E. 12th Street; APN 025 070701204
	Proposal:	To remodel the interior and exterior of an existing McDonald's Restaurant and expand the Drive-Through.
	Applicant:	Drew Sanchez
	Phone Number:	(650) 350-9471



Owner:	McDonald’s Corporation
Case File Number:	PLN20086
Planning Permits Required:	Major Conditional Use Permit for a Drive-Through Non-residential Facility
General Plan:	Business Mix
Zoning:	Commercial Industrial Mix - 2 Industrial (CIX-2) Zone
Environmental Determination:	Exempt per CEQA Sections 15301: Existing Facilities, Section 15302: Replacement or Reconstruction, Section 15303: New Construction or Conversion of Small Structures, and Section 15183.3: Projects consistent with Community Plan, General Plan or Zoning
Historic Status:	Not a Potentially Designated Historic Property or Local Register Property; Oakland Cultural Heritage Survey Rating: F3
City Council district	5
Status:	Pending
Staff Recommendation	Approval subject to the attached Conditions
Finality of Decision:	Appealable to the City Council within 10 days.
For further information:	Contact project planner Gregory Qwan at (510) 238-2958 or gqwan@oaklandca.gov

2.	Location:	6224 -6320 International Blvd.; APN 038-3222-008-02 & 010-01 &012-01
	Proposal:	To remodel the interior and exterior of an existing McDonald’s Restaurant and expand the Drive-Through.
	Applicant:	Drew Sanchez
	Phone Number:	(650) 350-9471
	Owner:	McDonald’s Corporation
	Case File Number:	PLN20087
	Planning Permits Required:	Major Conditional Use Permit for a Drive-Through Non-residential Facility and Design Review for exterior modification.
	General Plan:	Urban Residential
	Zoning:	RU-5 Urban Residential Zone
	Environmental Determination:	Exempt per CEQA Sections 15301: Existing Facilities, Section 15302: Replacement or Reconstruction, Section 15303: New Construction or Conversion of Small Structures, and Section 15183.3: Projects consistent with Community Plan, General Plan or Zoning
	Historic Status:	Not a Potentially Designated Historic Property or Local Register Property; Oakland Cultural Heritage Survey Rating: F3
	City Council district	5
	Status:	Pending
	Staff Recommendation	Approval subject to attached conditions
	Finality of Decision:	Appealable to City Council within ten (10) days
	For further information:	Project Planner Jason Madani: Phone: (510) 238-4790; Email: jmadani@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 directly.

3.	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) within the approved Whole Foods Market located in Retail #4.
	Applicant:	City Shapers Inc, Dwane Kennedy
	Phone Number:	(415) 401-9300
	Owner:	Telegraph 2 NEUN
	Case File Number:	PLN18531
	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 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. 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



4.	Location:	West Oakland BART 1451 7th St., APN 004 007700300, 004 007100300
	Proposal:	Revision to Preliminary Development Plan (PDP), including changes to residential unit allocation, reduction in office, retail, parking, residential open space, and removal of under-track retail. Updated State Density Bonus request with additional waivers. Variance request for off-street commercial loading. Vesting Tentative Parcel Map with 3 parcels and a designated remainder. Final Development Plan for Horizontal Improvements, including final design for sidewalks, bike lanes, and plazas. Final Development Plan for development of area T1, a market-rate 320 ft tall residential tower with 522 residential units, 14,350 sf of retail, and 125 parking spaces. Final Development Plan for development of area T3, an affordable housing project with 240 affordable residential units, 15,944 sf of retail, and 50 parking spaces.
	Applicant:	China Harbour Engineering (CHEC),
	Phone Number:	Ronnie Turner (510) 395-2766
	Owner:	San Francisco Bay Area Rapid Transit District (BART)
	Case File Number:	PLN18490-REV02, PLN18521-R01, PLN18490-REV01-PUDF01, PLN18490-REV01-PUDF02, PLN18490-REV01-PUDF03
	Planning Permits Required:	PDP Revision, Variance for commercial loading, Three FDPs, Design Review, Vesting Tentative Parcel Map, compliance with CEQA
	General Plan:	Community Commercial
	Zoning:	Transit-Oriented Development Commercial Zone (S-15W)
	Environmental Determination:	A CEQA Analysis was prepared in February 2019 for this project which concluded that the proposed project satisfies CEQA Guidelines Section 15164 – Addendum (to West Oakland Specific Plan EIR).
	Historic Status:	Non-Historic Property
	City Council district	CCD1
	Status:	Pending
	Staff Recommendation	Staff recommends approval of: <ul style="list-style-type: none"> • Revision to PDP, with Minor Variance, and revision to Vesting TPM 10940 • FDP for Horizontal Improvements • FDP for T1 market-rate residential tower • FDP for T3 affordable housing Based on 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 March 4, 2020, June 3, 2020, July 1, 2020
- 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: November 18, 2020