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## Planning Commission

### COMMISSIONERS:

*Sahar Shirazi, Chair*  
*Vince Sugrue, Vice-Chair*  
*Jonathan Fearn*  
*Jennifer Renk*  
*Josie Ahrens*  
*Alex Randolph*  
*Natalie Sandoval*

### AGENDA

**November 1, 2023**

Regular Meeting

**PLANNING COMMISSION MEETINGS NOW BEING HELD IN-PERSON 3:00pm**

**BUSINESS MEETING 3:00pm Council Chamber, City Hall, 1 Frank H. Ogawa Plaza, Oakland**

Persons wishing to address the Commission on any item on the agenda, including Open Forum and Director's Report, should fill out a speaker card and give it to the Secretary. **Agenda items will be called at the discretion of the Chair not necessarily in the order they are listed on the Agenda.** Speakers are generally limited to two minutes at the discretion of the Chair. Applicants and appellants are generally limited to five minutes at the discretion of the Chair.

The order of items will be determined under Agenda Discussion at the beginning of the meeting. With the exception of Open Forum, a new item will not be called after **10:15pm**, and the meeting will adjourn no later than **10:30pm**, unless the meeting is extended by the Chair with the consent of a majority of Commissioners present.

*For further information on any case listed on this agenda, please contact the case planner indicated for that item. For further information on Historic Status, please contact the Oakland Cultural Heritage Survey at 510-238-6879. For other questions or general information on the Oakland City Planning Commission, please contact the Planning and Building Department at 510-238-3941.*

♿ This meeting is wheelchair accessible. To request materials in alternative formats, or to request an ASL interpreter, or assistive listening device, please call the Planning and Building Department at 510-238-3941 or TDD 510-238-3254 at least three working days before the meeting. Please refrain from wearing scented products to this meeting so attendees who may experience chemical sensitivities may attend. Thank you.

El lugar de la reunión es accesible en silla de ruedas. Para solicitar materiales en formatos alternativos o solicitar un intérprete de lenguaje de señas o un aparato para escuchar, por favor llame al Departamento de Planificación y Construcción al 510-238-3941 o TDD 510-238-3254 al menos tres días hábiles antes de la reunión. Por favor absténgase de usar perfumes en esta reunión para que las personas sensitivas a perfume puedan asistir.

此會議場地有適合輪椅出入設施。如需要其他格式的會議資料，或ASL手語服務，或助聽器，請於會議至少三 (3) 天以前聯絡規劃及建設局，以便安排服務，電話510-238-3941 或TDD 510-238-3254。請勿塗搽香氛產品，參加者可能對化學成分敏感。多謝。



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 5:00pm the Friday before the meeting, at [www.oaklandca.gov/PlanningCommission](http://www.oaklandca.gov/PlanningCommission). 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 Haneefah Rasheed at [oaklandplanningcommission@oaklandca.gov](mailto:oaklandplanningcommission@oaklandca.gov).

Paper staff reports for items listed on this agenda can be requested with advance notice of three days, and will be made available at the Permit Center, 250 Frank H. Ogawa Plaza, Oakland, California 94612, at the cost per copy included in the City of Oakland Master Fee Schedule.

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.

While attending Planning Commission meetings, parking in the Dalziel Building Garage (located on 16<sup>th</sup> St between San Pablo Ave and Clay St) is free. As of September 2023, parkers will use the [ParkMobile](#) App on a mobile device to manage their parking, and the promotion code for free parking will be provided at the meeting.

Applicants or members of the public who wish to make electronic presentations (e.g., PowerPoint presentations): Please contact Haneefah Rasheed at [oaklandplanningcommission@oaklandca.gov](mailto:oaklandplanningcommission@oaklandca.gov) or (510) 672-1834 at least 48 hours prior to the meeting.

Interested parties are encouraged to electronically 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 webpage 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****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 that is not on the Agenda within the Commission's jurisdiction. At the discretion of the Chair, speakers are generally limited to two minutes if there are six or less speakers on an item, and one minute or less if there are more than six 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. Before voting on the Consent Calendar, the Commission will allow speakers to speak on any item on the Consent Calendar. At the discretion of the Chair, speakers are generally limited to two minutes if there are six or less speakers, and one minute if there are more than six speakers.

**PUBLIC HEARINGS**

The hearing provides opportunity for all concerned persons to speak on each item. 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 learn more about the Commission's decision on a specific agenda item, please contact the Case Planner identified for each item.

Except where noted, once a decision is reached by the Planning Commission on an application, it is appealable to the City Council. **Such appeal must be filed within ten (10) calendar days of the date of decision by the Planning Commission and by 4:00pm** An appeal shall be on a form provided by the **Bureau of Planning – Zoning**, and submitted via email to your Case Planner, the Zoning Manager ([Rmerkamp@oaklandca.gov](mailto:Rmerkamp@oaklandca.gov)) and the Development Planning Manager ([Cpayne@oaklandca.gov](mailto:Cpayne@oaklandca.gov)). The appeal form is available online at <https://www.oaklandca.gov/documents/appeal-application-form>. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Manager or decision-making body or wherein the decision is not supported by substantial evidence. Applicable appeal fees in accordance with the City of Oakland Master Fee Schedule must be paid within five business days of filing the appeal. If you are unable to contact the City via email, you must contact the Case Planner by phone **as soon as possible**, but before the appeal deadline, to arrange for an alternate method of submitting your appeal.

Failure to file a timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise every issue that is contested along with all the arguments and evidence previously entered into the record during the previously entered into the record during the public notice period and/or during the hearing. Failure to do so will preclude you from raising such issues during the appeal hearing and/or in court.

Any party seeking to challenge a final decision in court must do so within ninety (90) days of the date of the announcement of a final decision, pursuant to Code of Civil Procedure section 1094.6, unless a shorter period applies.

<b>#1</b>	<b>Location:</b>	Citywide
	<b>Assessor's Parcel Number(s):</b>	NA
	<b>Proposal:</b>	Amend the Planning Code to update Chapter 17.10 to incorporate "Family Daycare Homes" as a Permanent Residential Activity and to bring the Code up to date with current state law requirements. The Planning Code amendments incorporate changes mandated by the newly adopted state law SB 234. Amend the Planning Code to revise Chapter 17.10 - Semi-Transient Residential Activities for stays less than 30 days to only be occupied by renters as their primary residence, and not for tourist uses. Amend Planning Code to clean up various items related to the General Plan Update - Phase I Planning Code package update.
	<b>Applicant:</b>	City of Oakland
	<b>Contact Person/ Phone Number:</b>	NA
	<b>Owner:</b>	NA
	<b>Case File Number:</b>	ZA23008
	<b>Planning Permits Required:</b>	Oakland Planning Code Amendments
	<b>General Plan:</b>	All General Plan Designations
	<b>Zoning:</b>	All Zones
	<b>Proposed Environmental Determination:</b>	The proposed amendments to the Planning Code rely on the certified Oakland 2045 General Plan Update - Phase 1 Environmental Impact Report. This proposal is also categorically exempt from CEQA pursuant to Sections 15061(b)(3) (general rule, no significant effect on the environment) and 15183 (projects consistent with General Plan and Zoning) of the CEQA Guidelines.
	<b>Historic Status:</b>	N/A
	<b>City Council District:</b>	All Districts
	<b>Finality of Decision:</b>	Planning Commission will receive public comment, discuss, and make recommendation to City Council.
	<b>For Further Information:</b>	Contact Case Planner <b>Michelle Matranga</b> at <b>(510) 238-3550</b> or by email at <a href="mailto:mmatranga@oaklandca.gov">mmatranga@oaklandca.gov</a>

<b>#2</b>	<b>Location:</b> City-owned parcels and the areas within 100 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 Revised Draft Vegetation Management Plan (Revised Draft VMP) area includes: 419 City-owned parcels, ranging in size from <0.1 acres to 235 acres and totaling 1,924 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, Marjorie Saunders Park, and Oak Knoll.
	<b>Proposal:</b> Conduct a public hearing so members of the public may provide, and the Planning Commission may receive, provide and solicit comments on the Recirculated Draft Environmental Impact Report (Recirculated DEIR) for the Revised Draft VMP.
	<b>Applicant:</b> City of Oakland
<b>Contact Person/ Phone Number:</b>	Michael Hunt, Oakland Fire Department / (510) 238-6353
	<b>Owner:</b> City of Oakland
	<b>Case File Number:</b> ER23007
<b>General Plan:</b>	Open Space, Conservation and Recreation (OSCAR) Element Urban Park; Resource Conservation Area Land Use and Transportation Element (LUTE) Local Streets; Collector Streets; Arterial Streets; and Freeways
	<b>Zoning:</b> OS (LP), OS (NP), OS (RSP), OS (RCA), OS (AF), OS (AMP), OS (SU)
<b>Proposed Environmental Determination:</b>	The Recirculated DEIR for the Revised Vegetation Management Plan was published (SCH Number 2019110002) on September 20, 2023. The 45-day public review/comment period began on September 20, 2023 and will end on November 4, 2023 at 5:00 PM.
<b>Historic Status:</b>	9 Landmarks; 1 Area of Primary Importance (API); 18 Areas of Secondary Importance (ASI)
<b>City Council District:</b>	1, 4, 6, and 7
<b>Status:</b>	The first Draft VMP was released on November 1, 2019. A scoping session for the first Draft Environmental Impact Report (prior 2020 DEIR) was conducted by the Planning Commission on November 20, 2019. The prior 2020 DEIR was prepared for the first Draft VMP and circulated for public review in November 2020. In addition to comments received during the prior 2020 DEIR public review period, the Oakland Fire Department (OFD) received additional comments on the first Draft VMP from City representatives and the public. Since then, OFD revised the first Draft VMP further to address this additional feedback. The City has prepared the Recirculated DEIR to evaluate the environmental impacts of changes made to the Revised Draft VMP. The City of Oakland is soliciting comments on the Recirculated DEIR during a 45-day comment period that began on September 20, 2023 and ends on November 4, 2023 at 5:00 p.m.
<b>Action to be Taken:</b>	Receive public and Planning Commission comments on the Recirculated DEIR. No decisions will be made on the project at this hearing.

<b>For Further Information:</b>	Contact Oakland Fire Department Chief of Staff <b>Michael Hunt</b> at <b>(510) 238-6353</b> or by email at <a href="mailto:mhunt@oaklandca.gov">mhunt@oaklandca.gov</a>
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## **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 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 October 18, 2023**

**Correspondence**

**City Council Actions**

**ADJOURNMENT** By **10:30pm** unless a later time is agreed upon by a majority of Commissioners present.



**CATHERINE PAYNE**  
Development Planning Manager  
Planning and Building Department

**NEXT REGULAR MEETING: November 15, 2023**