



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

**December 21, 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.*

**MEETING CALL TO ORDER**

**Chair Fearn**

**WELCOME BY THE CHAIR**

**Chair Fearn**

**ROLL CALL**

**Commissioners Present:**

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

**Commissioner(s) Absent:**

**Staff Present:** Catherine Payne, Haneefah Rasheed

**SECRETARY RULES OF CONDUCT** Catherine Payne

**SECRETARY MATTERS – 2023 Calendar is posted and removal of 2022 Calendar**

**COMMISSION BUSINESS**

- Agenda Discussion            none
- Director’s Report            none
- Informational Reports        none
- Committee Reports            Residential Appeals Committee (RAC) hears appeals that are made when an appellate feels that a decision that the zoning manager has made is wrong. Therefore, an appeal is filed; it goes to the RAC, and it deals with zoning managers’ decisions with The RAC then considers and make decisions regarding appeal. The RAC met on December 13, 2022, to consider an appeal related to 6735 Simms Drive. Vice-Chair Sahar Shirazi and Vince Sugrue were present, and there was a quorum. The outcome was affirmation of staff environmental determination and the zoning manager’s decision was upheld based on the attached findings and conditions of approval. The road widening was also included in the improvement section along with an agreement with the homeowner and the city regarding indemnity. A final recommendation was directed to the

applicant to work with the Department of Transportation on calming traffic measures; the motion was passed unanimously.

- Commission Matters           Comm. Clark Manus inquired about Oakland being identified as a housing first city according to a feed in the paper, and what were the affects? Secretary Catherine Payne will provide information regarding what it means to the group on January 18, 2023, Planning Commission meeting.
- City Attorney’s Report        none

• **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.

**PUBLIC SPEAKERS:**   None

**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.

<b>#1</b>	<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>

Case Planner Catherine Payne gave a description of the Consent Calendar Proposal

**Public Speakers** – none

**Motion to approve by:** Comm. Clark Manus

**Seconded by:** Comm. Vincent Sugrue

**Action:** 7 Ayes, 0 Noes,

## 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.

### Item #2 Continued from December 7, 2022, Planning Commission Meeting

<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 ten 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, a concession for open space, 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>

If you wish to be notified on the decision of an agenda item, please contact the case planner for the specific agenda item.

Case Planner Gregory Qwan gave a verbal presentation of the project  
Applicant Nate Klein gave a verbal and visual presentation of the project.  
Commissioners provided questions and comments regarding item.

Public Speakers: • None

Motion to approve project based on staff recommendations; approval subject to the attached Conditions

Motion to Approve by: Comm. Tom Limon

Seconded by: Comm. Sahar Shirazi

Action: 4 Ayes, 3 Noes.

**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.

- none

**COMMISSION BUSINESS**

- Approval of Minutes

**Date:** December 7, 2022

**Motion to approve:** Commissioner Clark Manus

**Seconded by:** Commissioner Vince Sugrue

**Action:** 6 Ayes, Comm. Sahar Shirazi was absent and unable to vote.

- Correspondence none

- City Council Actions none

**ADJOURNMENT**

Chair Fearn at 3:49 pm



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

**NEXT SPECIAL MEETING:** January 11, 2023

**DRAFT**