



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

December 7, 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

Chern Fearn

WELCOME BY THE CHAIR

Chair Fearn

ROLL CALL

Commissioners Present:

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

Commissioner(s) Absent: Sahar Shirazi

Staff Present: Catherine Payne, Deb French, Haneefah Rasheed

SECRETARY RULES OF CONDUCT Catherine Payne

SECRETARY MATTERS - none

COMMISSION BUSINESS

- Agenda Discussion none Item #4 – 1031 62nd St will be continued December 21, 2022, due to noticing issue.
- Director’s Report none
- Informational Reports none 2023 Meeting Calendar will be available by December 21, 2022
- Committee Reports none DRC met on Nov. 30th – Construction of a 50-unit affordable senior housing project on 1842–1904 Adeline St; unanimous motion to support the design changes thus, comply with the approved conditions of approval.
- Commission Matters none
- 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: Tonya Boyce

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

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

Public Speakers – Tonya Boyce

Motion to approve by: Comm. Jennifer Renk

Seconded by: Comm. Clark Manus

Action: 6 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.

#2	Location:	2550 Telegraph Ave., Oakland, CA; APN: 009068302401
	Proposal:	To establish a non-profit comedy club with a type 64 alcohol license in an existing 3,800 square-foot, ground floor commercial space. Type 64 licenses allow on-site sales of alcohol by non-profit theatre companies.
	Applicant:	Colleen Breen
	Phone Number:	773-791-0300
	Owner:	471 26th Street Apartments Investors LLC
	Case File Number:	PLN22090
	Planning Permits Required:	Major Conditional Use Permit (CUP) for Sale of Alcoholic Beverages and Minor CUP for Group Assembly Commercial Activities.
	General Plan:	Community Commercial
	Zoning:	CC-2
	Environmental Determination:	15301-Existing Facilities; 15183-Projects Consistent with a Community Plan or Zoning
	Historic Status:	Area of Secondary Importance (Upper Telegraph Avenue)
	City Council district	3
	Status:	Decision based on staff report
	Staff Recommendation	Approve with conditions
	Finality of Decision:	Decision is appealable to the City Council.
	For further information:	Contact Case Planner Kubilay Aaron Inanli at (510) 238-2074 or by email at kinanli@oaklandca.gov .

Case Planner Kubilay Inanli gave a verbal presentation of the project

Applicant Colleen Breen gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • Tonya Boyce

Motion by Vince Segrue to approve project based upon staff recommendations.

Approval subject to the attached Conditions

1. Comm. Vince Segrue
2. Comm. Tom Limon

Seconded by Commissioner Tom Limon

Action: 6 Ayes, 0 Noes

#3	Location:	359 105th Avenue
	Assessor's Parcel Number:	045 537000902
	Proposal:	Demolish, rebuild, and operate three greenhouses and construct new aquaponics and cold storage buildings to grow organic produce. The proposal includes youth and adult job training and placement services.
	Applicant:	Bob Theis
	Phone Number:	(510)235-0616
	Owner:	Planting Justice
	Case File Number:	PLN22175
	Planning Permits Required:	Conditional Use Permit (CUP) for Limited Agricultural Activities. The CUP is major because it covers more than an acre; Regular Design Review for the construction of new buildings. The Regular Design Review is considered Major because the project involves the construction of more than 25,000 square feet of nonresidential floor area; Minor Variances for construction within the 20-foot rear setback area, providing less than the required number of parking spaces, and lot coverage.
	General Plan:	Detached Unit Residential
	Zoning:	Detached Unit Residential – 1 (RD-1)
	Environmental Determination:	Exempt per CEQA Guidelines Sections 15332: Infill Development; and 15183 – Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	The site is within an Area of Secondary Importance (105th Avenue Mixed 2) and has an Oakland Culture Heritage Survey rating of D2+.
	City Council district:	7
	Status:	Pending
	Staff Recommendation:	Approve the project subject to Conditions of Approval
	Finality of Decision:	Appealable to City Council
	For further information:	Contact case Planner Neil Gray at (510) 238-3878 or by email: ngray@oaklandca.gov

Case Planner Neil Gray gave a verbal presentation of the project

Applicant Gavin Raders gave a verbal and visual presentation of the project.

Commissioners provided questions and comments regarding item.

Public Speakers: • Khariyyah Shabazz, Tonya Boyce, William (Billy) Riggs, Tracy, Wilson, Colvon Page, Yennifer Koptle, Michael Garrison

Motion by Comm. Clark Manus to approve project based upon staff recommendations.

Approval subject to the attached Conditions

1. Comm. Clark Manus
2. Comm. Tom Limon

Seconded by Commissioner Tom Limon

Action: 6 Ayes, 0 Noes

Item #4 Will Continue on December 21, 2022, Planning Commission Meeting

#4	Location:	1031 62 nd Street
	Assessor's Parcel Number:	016 144205000

Proposal:	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
Applicant:	Nathaniel Klein
Phone Number:	(847) 337-1849
Owner:	Nathaniel Klein and Lu Huang
Case File Number:	PLN21053
Planning Permits Required:	Regular Design Review for construction of dwelling units; Major Conditional Use Permit for seven or more dwelling units in the RM-3 Zone
General Plan:	Mixed Housing Type Residential
Zoning:	RM-3
Environmental Determination:	Exempt per CEQA Guidelines Sections 15332-Infill Development; and 15183-Projects Consistent with a Community Plan, General Plan, or Zoning
Historic Status:	Non-Historic Property
City Council district:	1
Status:	Pending
Staff Recommendation:	Approval subject to the attached Conditions
Finality of Decision:	Appealable to City Council within 10 Days
For further information:	Contact Case Planner Gregory Qwan at (510) 238-2958 or by email at gqwan@oaklandca.gov

Case Planner Gregory Quan 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: • Tonya Boyce

Motion: No motion or noticing required and will be continued on-to December 21, 2022.

Approval subject to the attached Conditions

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.

- none

COMMISSION BUSINESS

- Approval of Minutes

Date: November 16, 2022

Motion to approve: Commissioner Clark Manus

Seconded by: Commissioner Ron Jones

Action: 6 Ayes, 0 Noes,

- Correspondence none
- City Council Actions none

ADJOURNMENT

Chair Jonathan Fearn at 5:39 pm



CATHERINE PAYNE
Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: December 21, 2022

DRAFT