



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

February 15, 2023

SPECIAL Meeting

BUSINESS MEETING

3:00 PM

Via: Tele-Conference

*****REVISED ON FEBRUARY 10, 2023*****

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.

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: Feb 15, 2023 03:00 PM Pacific Time (US and Canada)
Topic: February 15, 2023 - Planning Commission Meeting

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84759695833>

Or One tap mobile :

US: +16699006833,,84759695833# or +14086380968,,84759695833#

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Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 408 638 0968 or +1 669 444 9171 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 876 9923 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or 888 475 4499 (Toll Free) or 833 548 0276 (Toll Free) or 833 548 0282 (Toll Free) or 877 853 5257 (Toll Free)

Webinar ID: 847 5969 5833

International numbers available: <https://us06web.zoom.us/j/84759695833>

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 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 Haneefah Rasheed at oaklandplanningcommission@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 Haneefah Rasheed at oaklandplanningcommission@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.
- 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 directly to the Planning Commission and/or Case Planner. Email addresses for the Commissioners can be found on the Planning Commission Page 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

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:	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

#2	Location:	1425 Leimert Blvd
	Assessor's Parcel Number:	029A132701000
	Proposal:	Installation of new unmanned telecommunications facility including twelve (12) panel antennas, fifteen (15) Remote Radio Units (RRUs), three (3) FRP screens, and all related equipment
	Applicant:	AT&T Mobility/ J5 Melissa Gonzalez
	Phone Number:	415-305-8633
	Owner:	1425 Leimert LLC
	Case File Number:	PLN22199
	Planning Permits Required:	Major Conditional Use Permit & Regular Design Review
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	CN-3, Neighborhood Commercial Zone
	Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines: Existing Facilities; Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-Historic Properties
	City Council district:	CCD4
	Status:	Staff recommendation for approval
	Staff Recommendation:	Approve with Conditions
	Finality of Decision:	Appealable to City Council
	For further information:	Contact case planner Sarah Price at (510)238-2955 or by email at sprice@oaklandca.gov



#3	Location:	9500 Stearns Ave
	Assessor's Parcel Number:	043A475500117
	Proposal:	Installation of new unmanned telecommunications facility including nine (9) panel antennas, fifteen (15) Remote Radio Units (RRUs), and all related equipment on a replacement field light pole at the Bishop O/Dowd football field. The replacement pole will be the same height as the existing.
	Applicant:	AT&T Mobility/ Aaron De La O
	Phone Number:	916-792-8686
	Owner:	Roman Catholic Welfare Corporation of Oakland
	Case File Number:	PLN22187
	Planning Permits Required:	Major Conditional Use Permit & Regular Design Review
	General Plan:	Institutional
	Zoning:	RD-1 One Family Residential Zone
	Environmental Determination:	Exempt, Section 15303: New Construction of Small Structures; Section 15183: Projects Consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Non-Historic Properties
	City Council district:	CCD7
	Status:	Staff recommendation for approval
	Staff Recommendation:	Approve with Conditions
	Finality of Decision:	Appealable to City Council
	For further information:	Contact case planner Robert D. Merkamp at (510)238-6283 or by email at rmerkamp@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.

#4	Location:	1431 Franklin Street, and the Black Arts Movement and Business District (BAMBD)
	Assessor's Parcel Number:	008 062100807
	Proposal:	Major Conditional Use Permits and Regular Design Review to construct a 40-story (413-foot tall) 421,056 square feet residential tower with a parking garage above grade.
	Applicant:	TC II 1431 Franklin, LLC



Phone Number:	(510) 290-9901
Owner:	TC II 1431 Franklin, LLC
Case File Number:	PLN20125
Planning Permits Required:	Major Conditional Use Permits for large scale development and tandem parking; Regular Design Review.
General Plan:	Central Business District (CBD)
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
Environmental Determination:	A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning), and Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects). The CEQA Analysis prepared for the project can be found at the following website: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022 .
Historic Status:	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
City Council district:	3
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 Michele T. Morris at (510) 238-2235 or mmorris2@oaklandca.gov

#5 Location:	1431 Franklin Street, and the Black Arts Movement and Business District (BAMBD)
Assessor's Parcel Number:	008 062100807
Proposal:	Major Conditional Use Permits and Regular Design Review to construct a 27-story (410.5-foot tall) 419,480 square feet office tower with a parking garage above grade.
Applicant:	TC II 1431 Franklin, LLC
Phone Number:	(510) 290-9901
Owner:	TC II 1431 Franklin, LLC
Case File Number:	PLN20124
Planning Permits Required:	Major Conditional Use Permits for large scale development and tandem parking; Regular Design Review.
General Plan:	Central Business District (CBD)
Zoning:	CBD-P Central Business District Pedestrian Retail Commercial Zone Height Area 7, no limit
Environmental Determination:	A detailed CEQA Analysis was prepared which concluded that the proposed project qualifies for CEQA streamlining under Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning) and Public Resources Code Section 21094.5 and



	CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects). Also, the proposed project qualifies to tier off Program EIRs and EIRs prepared for redevelopment projects per CEQA Guidelines Section 15168 (Program EIRs) and Section 15180 (Redevelopment Projects), and the proposed project qualifies for an exemption as specified in CEQA Guidelines Section 15332 (Infill Development Projects). The CEQA Analysis prepared for the project can be found at the following website: https://www.oaklandca.gov/resources/current-environmental-review-ceqa-eir-documents-2011-2022
Historic Status:	Project site is located within an existing listed National Register historic resource, the Downtown Historic District Area of Primary Importance (API).
City Council district:	3
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 Michele T. Morris at (510) 238-2235 or mmorris2@oaklandca.gov

#6	Location:	Citywide subject to location restrictions
	Proposal:	The City is proposing to amend Oakland Municipal Code (O.M.C.) Section 17.104.060, General Limitations on Advertising Signs, to allow new outdoor Advertising Signs on private and City-owned properties subject to certain location restrictions with discretionary approval by the City Council
	Applicant:	City of Oakland
	Case File Number:	ZA22009
	Planning Permits Required:	Oakland Planning Code Amendment to O.M.C. Section 17.104.060
	General Plan:	All General Plan Designations
	Zoning:	All Zoning Districts
	Environmental Determination:	The proposed amendments to the O.M.C. are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(2) of the CEQA Guidelines. Section 15061 states that CEQA applies only to “projects” that have the potential for causing a significant effect on the environment. The proposed amendments create development standards and do not commit the City to any future action, a particular project, or grant any specific project approval that would have a direct or reasonably foreseeable indirect impact on the environment pursuant to CEQA. The proposed amendments are categorically exempt from CEQA pursuant to Section 15305 and 15311 of the CEQA Guidelines. Section 15305 exempts projects that may result in minor alterations of land on slopes less than 20% and Section 15311 exempts projects that result in the construction or replacement of accessory structures, including sign structures. The proposed amendments to the O.M.C. may result in both minor alterations to land on slopes less than 20% and may result in the construction or replacement of accessory structures.
	Historic Status:	N/A



City Council district:	All districts
Status:	Review of draft amendment to O.M.C. Section 17.104.060 to allow new outdoor Advertising Signs on private and City-owned properties subject to certain location restrictions with discretionary approval by the City Council.
Staff Recommendation:	Planning Commission will receive public comment, discuss, and make a recommendation to City Council on the proposed Planning Code amendment.
Finality of Decision:	Recommendation to City Council after receiving public comment and conducting public deliberation on the item
For further information:	Contact case planner Daniel Findley at 510-238-3981 or by email at dfindley@oaklandca.gov

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.

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#7	Location:	278 4th Street Removed by Applicant and Appellant on 2/10/2023
	Assessor’s Parcel Number:	001-0153009
	Proposal:	Appeal of an administrative decision to revise a previously approved Conditional Use Permit to establish an entertainment venue and convert an existing live/work unit within the building into a regular residential dwelling unit. The revision would replace condition #37 of the permit, which states that, prior to commencement of Group Assembly Commercial Activity, “The second means of egress, as indicated on project plans, shall be constructed pursuant to permits” with a condition to either maintain the existing easement for secondary egress through the rear of the building or construct an alternative second means of egress that has been approved by the Bureaus of Planning and Building.
	Applicant:	Chloe Moir (650)283-9012
	Owner:	Dan Dunkle
	Case File Number:	PLN15132-R01



Planning Permits Required:	Revision to Conditional Use Permit previously approved on September 25, 2015. The prior approval was to establish a Group Assembly Commercial Activity in the C-45 Commercial Zone.
General Plan:	Estuary Policy Plan Waterfront Warehouse District
Zoning:	C-45 Community Shopping Commercial Zone and S-4 Design Review Combining Zone
Environmental Determination:	The proposed operation and the conversion of the work/live unit to a dwelling unit is exempt from the California Environmental Quality Act (CEQA) according to the following sections of the State of California's CEQA Guidelines: 15303 - New Construction or Conversion of Small Structures; and 15183 - Projects Consistent with a Community Plan, General Plan, or Zoning.
Historic Status:	Potentially Designated Historic Property; Within and contributor to an "Area of Primary Importance" (the Waterfront Warehouse Historic District); Office of Cultural Heritage Survey rating of C1+
City Council District:	3
Action to be Taken:	Decision on appeal
Finality of Decision:	Decision is final. No further administrative appeal is available.
For Further Information:	Contact Case Planner Case Neil Gray at (510) 238-3878 or by email at ngray@oaklandca.gov

COMMISSION BUSINESS

- Approval of Minutes **January 11, 2023 & February 1, 2023**
- 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
Development Planning Manager
Planning and Building Department

NEXT SPECIAL MEETING: March 1, 2023