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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

April 3, 2024

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 **7:15pm**, and the meeting will adjourn no later than **7:30pm**, 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 a 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. 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.

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 16th 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 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.

WELCOME BY THE CHAIR**ROLL CALL****COMMISSION BUSINESS****Agenda Discussion****Director's Report****Informational Reports****Committee Reports****Commission Matters - New Subcommittee for Planning Commission for APR****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) and the Development Planning Manager (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.

#1	Location:	2430 Willow Street
	Assessor’s Parcel Number(s):	007 057900110
	Proposal:	Conditional Use Permit and Design Review for development of a public utility service center which will include fleet parking for field crew staff, a new 5,921 square foot office building, and a new 754 square foot warehouse.
	Applicant:	East Bay Municipal Utility District / Maura Bonnarens
	Contact Person/ Phone Number:	Maura Bonnarens/(510) 287-1023
	Owner:	East Bay Municipal Utility District
	Case File Number:	PLN22188
	Planning Permits Required:	1) Major Conditional Use Permit for Extensive Impact Civic Activity on a site that exceeds one acre. 2) Regular Design Review for new construction exceeding 1,000 square feet of floor area which requires a Conditional Use Permit and Variance(s) 3) Variances for: 1) providing 0 foot street side setback where 10 feet is required, 2) exceeding the maximum driveway width of 35 feet and proposing 40 feet & 3) Replacement of existing wall to exceed the height limit of 12 feet.
	General Plan:	Business Mix
	Zoning:	West Oakland Plan Area Commercial Industrial Mix – 1C Industrial Zone / Health and Safety Protection Combining Zone (CIX-1C/S-19)
	Proposed Environmental Determination:	Exempt, CEQA 15303(c) – New Construction not exceeding 10,000 square feet in floor area
	Historic Status:	OCHS Rating D3
	City Council District:	CCD3
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact Oakland Case Planner: Sarah Price, Phone: (510) 238-2955, Email: sprice@oaklandca.gov

#2	Location:	Citywide
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Proposal:	<p>Amend the Planning Code related to Accessory Dwelling Units (ADUs) – currently termed Secondary Units in the Planning Code – to bring the local legislation into compliance with State Law. The amendments address suggested changes by the State Housing and Community Development Department (HCD) which include: 1) updates to the property development standards applying to One-Family, Two-to-Four-Family, and Multifamily ADUS; 2) update to the Junior Accessory Dwelling Units (JADU) definition; 3) updates to the ADU regulations pertaining to additional kitchens, maximum residential density, sale of units, objective design standards, amnesty criteria for unpermitted ADUs, and landscaping standards.</p> <p>Provide findings that explain the reasons why the City has not addressed a handful of HCD’s suggested changes and finds the Ordinance in compliance with State ADU Law despite the suggestions made by HCD.</p> <p>Additionally, the proposal includes “clean-up” amendments to bring the Oakland Planning Code in alignment with previous zoning changes, as well as miscellaneous new amendments. These clean-up amendments and miscellaneous new changes include: 1) Chapter 17.76 S-2 Civic Center Commercial Zone Regulations, Section 17.76.200; 2) Chapter 17.97 S-15 Transit-Oriented Development Commercial Zones Regulations, Sections 17.97.040 and 17.97.070; 3) Chapter 17.116 Off-Street Parking and Loading Requirements, Section 17.116.240; 4) Chapter 17.136 Design Review Procedure, Sections 17.136.025, 17.136.030, and 17.136.040; and 5) Chapter 17.101H D-CO Coliseum Area District Zones Regulations, Section 17.101H.040.</p>
Applicant:	City of Oakland
Case File Number:	ZA240020
General Plan:	Citywide
Zoning:	Citywide
Proposed Environmental Determination:	<p>The proposed amendments to the Planning Code rely on the previously certified Final Environmental Impact Reports for: the Oakland 2045 General Plan Update - Phase 1 (2023); the Coliseum Area Specific Plan (2105); Broadway Valdez Specific Plan (2014); West Oakland Specific Plan (2014); Central Estuary Area Plan (2013); Land Use and Transportation Element of the General Plan (1998); the Oakland Estuary Policy Plan (1998); the West Oakland, Central City East, Coliseum, and Oakland Army Base Redevelopment Areas; the 1998 Amendment to the Historic Preservation Element of the General Plan; and various Redevelopment Plan Final EIRs (collectively, “EIRs”). No further environmental review is required under CEQA Guidelines Sections 15162 and 15163. Moreover, as a separate and independent basis, this proposal is also exempt from CEQA pursuant to CEQA</p>

	Guidelines Sections 15183 (projects consistent with General Plan and Zoning) and 15061(b)(3) (general rule, no significant effect on the environment).
City Council District:	All districts
Finality of Decision:	Recommendation to City Council. Final decision by City Council.
For Further Information:	Contact Case Planner Khalilha Haynes at 510-406-4802 or by email at khaynes@oaklandca.gov

#3	Location:	Lake Merritt BART Transit-Oriented Development (TOD) at 51 9th Street (Block 1) and 107 8th Street (Block 2).
	Assessor's Parcel Number(s):	APNs: 001 016900100 and 001 017100200.
	Proposal:	1. Amend the Conditions of Approval to allow for phased submittal of the PX and PZ Permit for Phase I of development. 2. Amend the Tentative Tract Map to create a vertical division of the Paseo resulting in a subterranean parcel containing the BART tunnel.
	Applicant:	East Bay Asian Local Development Corporation (EBALDC)
	Contact Person/ Phone Number:	James Perez /510-512-2444
	Owner:	San Francisco Bay Area Rapid Transit District (BART)
	Case File Number:	PLN20108-R01
	Planning Permits Required:	Revision to existing entitlements for Planned Urban Development (PUD), the Phase I Horizontal Final Development Plan (FDP and Tentative Tract Map).
	General Plan:	Central Business District (CBD)
	Zoning:	D-LM-2, D-LM-4, Height Area LM-275
	Proposed Environmental Determination:	Prior Environmental Determination since the amendments are within the scope of the prior environmental review for the Project.
	Historic Status:	Not an Historic Rated Property
	City Council District:	District 2.
	Finality of Decision:	Appealable to City Council.
	For Further Information:	Contact case planner Rebecca Lind at 510-672-1474 or by e-mail at rlind@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, 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 March 6, 2024

Correspondence

City Council Actions

ADJOURNMENT By **7:30pm** 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: April 17, 2024