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Planning Commission

COMMISSIONERS:

Sahar Shirazi, Chair
Vince Sugrue, Vice-Chair
Jennifer Renk
Josie Ahrens
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Natalie Sandoval
Maurice Robb

AGENDA
September 18, 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.

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

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。

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.

MEETING CALL TO ORDER

WELCOME BY THE CHAIR

ROLL CALL

COMMISSION BUSINESS
Agenda Discussion
Director’s Report
Informational Reports
Committee Reports
Commission Matters: – #1 Planning Commission Election
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

Continued from September 11, 2024, PC meeting

#2	Location:	4250 Piedmont Avenue
	Assessor’s Parcel Number(s):	012 099001800
	Proposal:	Establish a Wine Bar
	Applicant:	Stefan Menzi
	Contact Person/ Phone Number:	Stefan Menzi / (510) 652-0252
	Owner:	4250 Piedmont LLC and 511 Vallejo LLC
	Case File Number:	PLN24082
	Planning Permits Required:	A Major Conditional Use Permit (CUP) for Alcohol Beverage Sales in the CN-1 Zone and a Major Variance for establishing an Alcohol Sales Commercial Activity within 1,000 feet of a school and church.
	General Plan:	Neighborhood Center Mixed Use
	Zoning:	Neighborhood Center Mixed Use - 1 (CN-1) and S-13 Affordable Housing Combining Zones
	Proposed Environmental Determination:	The project is exempt from further review under the California Environmental Quality Act (CEQA) per the following sections of the CEQA Guidelines: 15301 – Existing Facilities; and 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning.
	Historic Status:	Potentially Designated Historical Property (PDHP), Oakland Cultural Heritage Survey is C3
	City Council District:	1
	Finality of Decision:	Appealable to City Council
	For Further Information:	Contact Case Planner Kubilay Aaron İnanlı at (510) 238-2074 or by email at kinanli@oaklandca.gov

#3	Location:	1619 International Boulevard
	Assessor's Parcel Number(s):	020 011300301
	Proposal:	To sell alcohol at an existing General Food Sales market
	Applicant:	Diana Lee c/o International Lao Market
	Contact Person/ Phone Number:	Diana Lee / (510) 590-6396
	Owner:	Peli Huang
	Case File Number:	PLN22040
	Planning Permits Required:	Major Conditional Use Permit for an Alcohol Beverage Sales Commercial Activity; Minor Variances to allow alcohol sales (1) within 1,000 feet of existing alcohol outlets, (2) within 1,000 feet of civic uses, and (3) in an over-concentrated area; and Findings of Public Convenience or Necessity in an over-concentrated area
	General Plan:	Urban Residential
	Zoning:	Urban Residential- 5 Zone
	Proposed Environmental Determination:	Exempt, Section 15301 of the State CEQA Guidelines; Existing Facilities; Section 15183 of the State CEQA Guidelines; projects consistent with a Community Plan, General Plan or Zoning
	Historic Status:	Potentially Designated Historic Property; OCHS rating: Fc3
	City Council District:	2
	Finality of Decision:	Appealable to the City Council within 10 days
	For Further Information:	Contact Case Planner Samina Merchant at (408) 780-9042 or by email at smerchant@interwestgrp.com

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.

#4	Location:	Estuary Park (80 Fallon Street) and expansion parcel (known as Brooklyn Basin Parcel N)
	Assessor’s Parcel Number(s):	018 043000108 & 018 043000110
	Proposal:	Proposed Park Master Plan to remodel and expand Estuary Park.
	Applicant:	City of Oakland – Christine Reed, Capital Improvement Program Manager, Oakland Public Works
	Contact Person/ Phone Number:	(510) 238-6540
	Owner:	Port of Oakland/Zarsion-OHP I, LLC
	Case File Number:	PLN22159 & PLN22159-ER01
	Planning Permits Required:	Major CUP and Park Master Plan per Chapter 17.135.050 of the Oakland Municipal Code.
	General Plan:	EPP Parks
	Zoning:	OS (RSP) – Open Spaces, Region-Serving Park
	Proposed Environmental Determination:	An addendum to the Oak to Ninth (Brooklyn Basin) Project Environmental Impact Report from 2009 (Addendum #2) has been prepared for the proposed Park Master Plan
	Historic Status:	F3
	City Council District:	District 2 – Nikki Fortunato Bas
	Finality of Decision:	City Council
	For Further Information:	Christopher Tan: Phone: (510) 238-3079; Email: CTan@oaklandca.gov

#5	Location:	7825 San Leandro Avenue
	Assessor’s Parcel Numbers:	041 417500302, 041 417501800, 041 417501600, 041 417501000, 041 417500600, 041 417500500, 041 417501700, 041 417501900, 041 420900102, 041 420900700, 041 420900101, 041 420900302, 041 420800100, and 041 420900801
	Proposal:	Scoping session for an Environmental Impact Report (EIR) to study a proposal to construct an approximately 311,000 square foot industrial warehouse facility including approximately 25,000 square feet of accessory office on an existing vacant approximately 14.9-acre industrial site that was previously used by the AB&I Foundry. Other proposed site improvements would include a new parking lot for employees, truck parking, and landscaping.
	Applicant:	Blair Rushing, Prologis
	Phone Number:	510-661-4019

Owner:	Duke Realty Foundry LP (Prologis LP)
Case File Number:	PLN24086-ER01
Planning Permits Required:	Request for Environmental Review. Separate development applications have been filed under case file number PLN24086 and will be reviewed concurrently with the required environmental review application.
General Plan:	General Industrial Business Mix
Zoning:	IG CIX-2 S-13
Proposed Environmental Determination:	Staff has determined that an EIR will be prepared for this project. A NOP to prepare the EIR was published on August 30, 2024. The comment period for the NOP ends on September 30, 2024. This Planning Commission Scoping Session provides an opportunity for the public to provide public testimony and written comments directly to the Commission, and for the Commission to provide their own feedback on the scope of the EIR.
Historic Status:	Not a historic property
City Council District:	7
Status:	Environmental and development applications are currently under review.
Finality of Decision:	N/A – No decision to be made at the hearing on any applications.
For further information:	Contact case planner Peterson Z. Vollmann at (510) 238-6167 or by email: pvollmann@oaklandca.gov

Continued from September 11, 2024, PC meeting

#6	Location:	Citywide
	Assessor's Parcel Number(s):	N/A
	Proposal:	Add Chapter 17.122 to the Planning Code (Oakland Municipal Code Title 17) to specify local procedures for complying with replacement unit requirements of the Housing Crisis Act, adopted by Senate Bill 330 (2019), and subsequently amended by Assembly Bill 1218 (2023). This new chapter will require applicants to demonstrate compliance with existing replacement requirements by providing notices to tenants, demonstrating compliance with Oakland tenant protections, and committing to providing rights of first refusal to qualifying tenants.
	Applicant:	City of Oakland, Bureau of Planning
	Contact Person/ Phone Number:	N/A
	Owner:	N/A
	Case File Number:	ZA24012
	Planning Permits Required:	Planning Code Amendment
	General Plan:	Citywide
	Zoning:	Citywide
	Proposed Environmental Determination:	The proposed amendments to the Planning Code rely on the following California Environmental Quality Act (CEQA) findings: (1) a determination that no further environmental review is required following the certified Oakland 2045 General Plan Update - Phase 1 Environmental Impact Report pursuant to Public Resources Code

	section 21166 and CEQA Guidelines Section 15162 or 15163; (2) this proposal is exempt pursuant to CEQA Guidelines section 15183 (projects consistent with General Plan and zoning); and (3) this proposal is exempt pursuant to CEQA Guidelines Sections 15061(b)(3) (general rule, no significant effect on the environment). Each of these findings provide a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.
Historic Status:	N/A
City Council District:	Citywide
Finality of Decision:	Planning Commission will receive public comment, discuss, and make recommendations to the City Council. Final decision by City Council.
For Further Information:	Contact Case Planner Timothy Green at (510) 238-6436 or by email at tgreen@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, 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: July 10, 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: October 2, 2024